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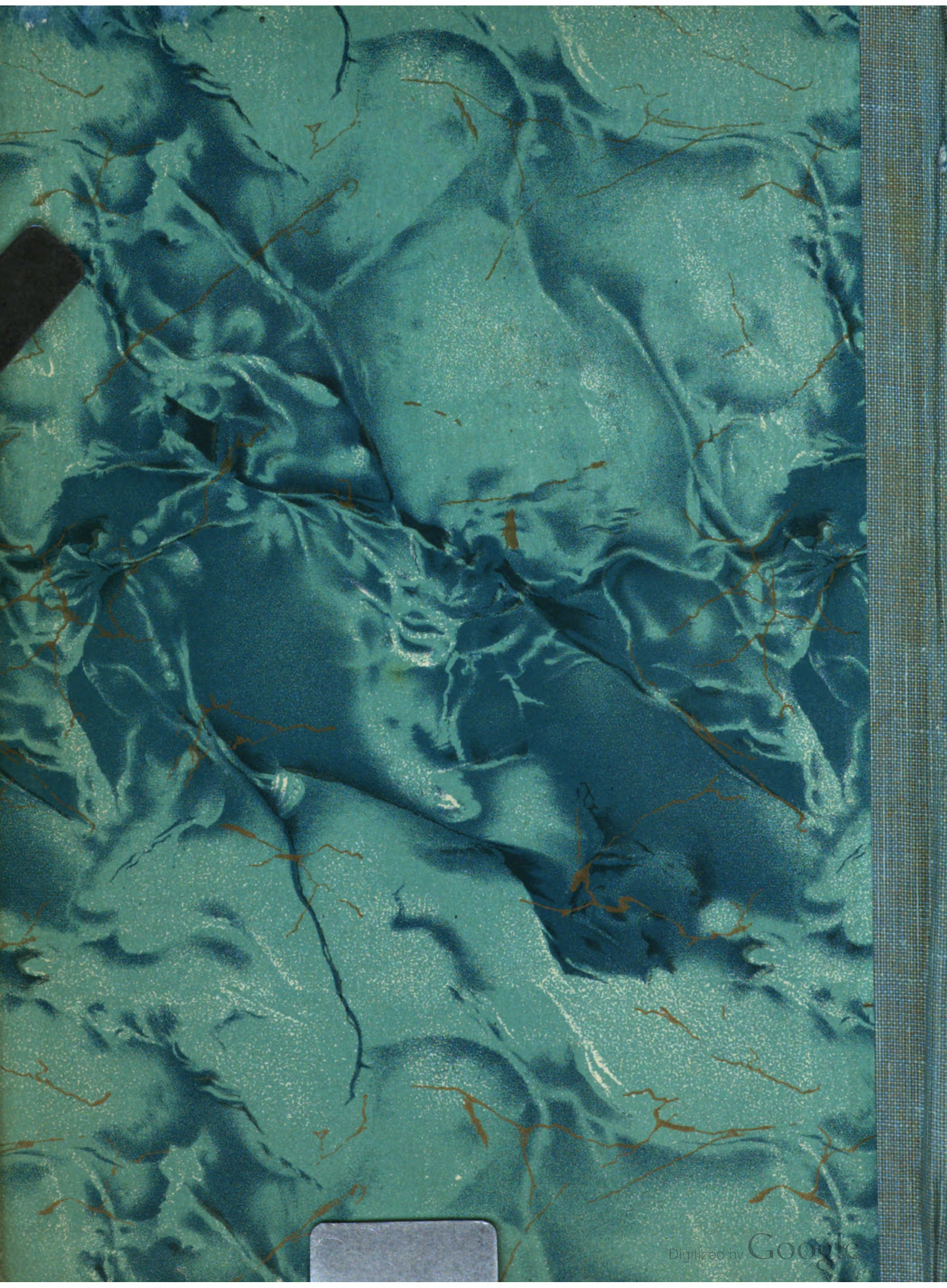
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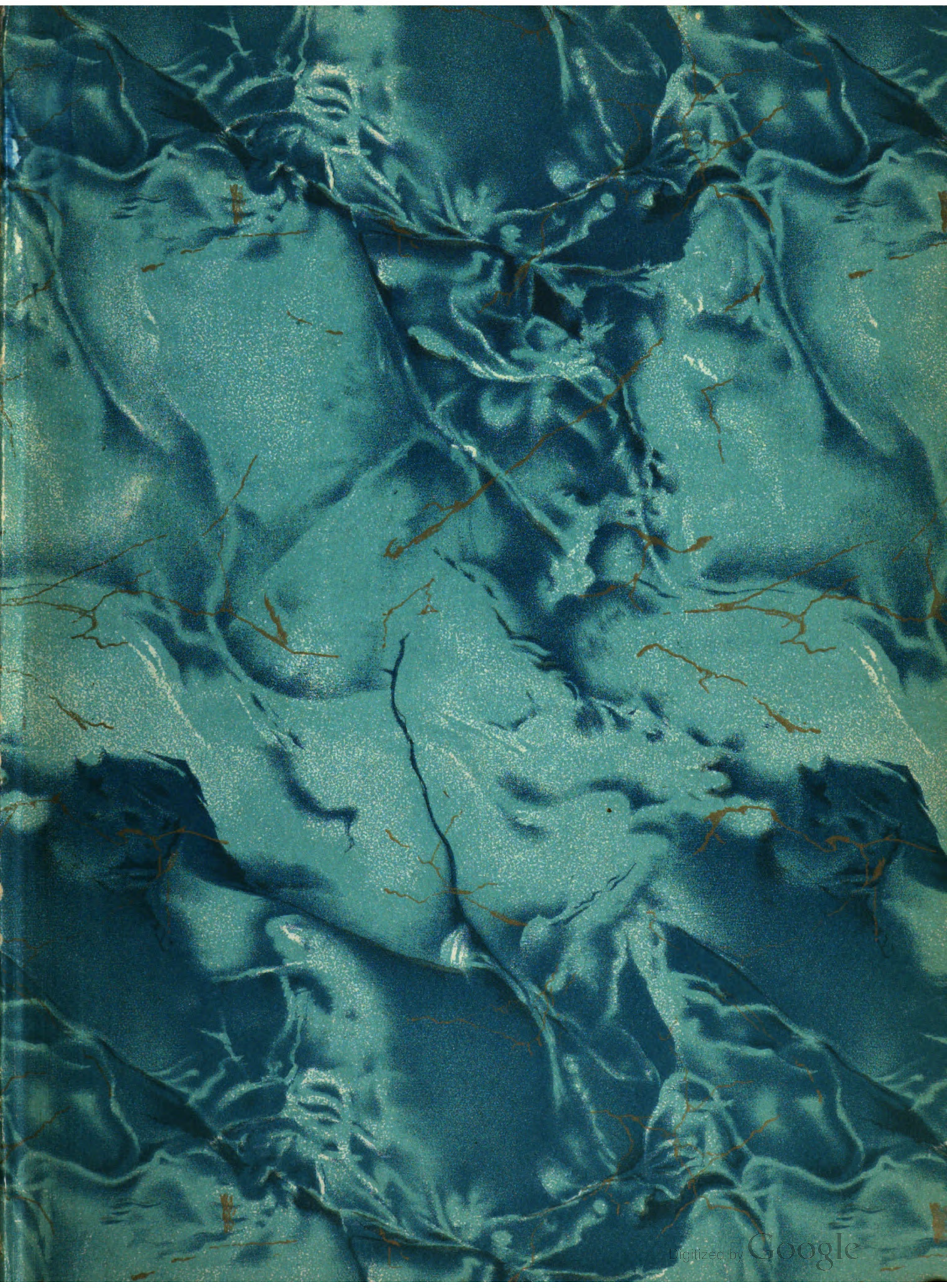


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# History of Kentucky

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*IN FIVE VOLUMES*

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# History of Kentucky

## CHAPTER XLVI

### THE KENTUCKY CHARACTER AND THE WAR

Peace was thus secured between Americans and British; but an incident at the battle of New Orleans produced a war of words that embittered those who deserved a better fate than to nurse grievances and misunderstandings over so glorious a victory. The unfortunate flight of the troops on the right bank of the Mississippi was participated in by the 500 Louisiana troops as well as by the 170 ill-armed Kentuckians, but the latter alone received the blame for the defeat. Commodore Patterson, who commanded a battery on the Mississippi, declared that the Kentuckians began the flight and that this disgraceful example "was soon followed by the whole of General Morgan's command, notwithstanding that every exertion was made by him, his staff and several officers of the city militia, to keep them to their post.\* \* \* This flight of the Kentuckians periled their exertions and produced a retreat which could not be checked. \* \* \*" He furthermore stated that, "General Morgan's right wing, composed \* \* \* of the Kentucky militia, commanded by Major Davis, abandoned their breastworks, flying in a most shameful and dastardly manner, almost without a shot."<sup>1</sup> In his official report dated the day following the battle and made from information conveyed by the officers who commanded on the right bank, General Jackson declared of these Kentuckians: "What is strange and difficult to account for, at the very moment when the entire discomfiture of the enemy was looked for with a confidence amounting to certainty, the Kentucky re-enforcements, in whom so much reliance had been placed, ingloriously fled, drawing after them, by their example, the remainder of the forces, and thus yielding to the enemy that most formidable position."<sup>2</sup> In an address he bitterly arraigned them to their faces: "To what cause, was the abandonment of your lines owing? To fear? No! You are the countrymen, the friends, the brothers of those who have secured to themselves by their courage the gratitude of their country, who have been prodigal of its blood in its defence, and who are strangers to any other fear than that of disgrace. To disaffection to our glorious cause? No! my countrymen; your general does justice to the pure sentiment by which you are inspired. How then could brave men, firm in the cause in which they are enrolled, neglect their first duty, and abandon the post committed to their care?" He answered that the reasons must be attributed "to the want of discipline, disregard to obedience, and a spirit of insubordination, not less destructive than cowardice itself."<sup>3</sup>

Of all human frailties, cowardice on the battlefield was the one among Kentuckians most detested and despised. They prided them-

<sup>1</sup> Quoted in McElroy, *Kentucky in the Nation's History*, 356, 370.

<sup>2</sup> Gayarré, *History of Louisiana*, IV, 486.

<sup>3</sup> Gayarré, *History of Louisiana*, IV, 490.



selves on the fact that they had been cradled in the Revolution, and that Indian wars for years thereafter had perpetuated the military qualities. Therefore to be accused of cowardice openly and in the official report of the commanding general was well-nigh unbearable to the Kentuckians so charged and was deeply resented by them as well as their fellow-citizens. The accused Kentuckians answered Jackson's reproof in a communication in which they gave reasons for what happened. It follows in part: "We were ill-armed, we had been on our feet for twenty-four hours, during which time we had hardly tasted food; the cartridges we had were too large for our pieces; on our arrival before day, after a hard march of several miles, partly through mud, without being allowed a moment's rest, we were ordered to advance a mile further. Having obeyed without a murmur, we found ourselves within view of the enemy, on whom we fired several volleys, maintaining that position, which was none of the best, until, being outflanked on our right, and cannonaded with grape-shot from the brakes on our left, we were forced to retreat on Morgan's line, where we were ordered to take a position along a canal, uncovered and extended on a front of 300 yards, our left separated from the other troops by an unguarded space of ground, and our right covered by a paltry detachment of sixteen men, stationed 200 yards from us; a vast plain, offering no manner of shelter, lying in our rear. We were turned on the right and cut off on the left. In so precarious a situation, how could we avoid giving way?"<sup>4</sup>

A court of inquiry met on the 9th of February to investigate the circumstances and causes of the retreat. It made its report the following day, in which the following decision was announced: "The court, after mature deliberation, is of opinion that the conduct of those gentlemen in the action aforesaid and retreat on the 8th of January on the west bank of the Mississippi, is not reprehensible—the cause of the retreat, the court attributed to the shameful flight of the command of Major Arno, sent to oppose the landing of the enemy. The retreat of the Kentucky militia, which, considering their position, the deficiency of their arms, and other causes, may be excusable, and the panic and confusion introduced into every part of the line thereby occasioning the retreat and confusion of the Orleans and Louisiana militia; whilst the court find much to applaud in the gallantry of the officers immediately commanding, they believe that a further reason of the retreat may be found in the manner in which the forces were posted on the line, which they considered exceptional. The command of Cols. Dijon, Cavallier, Desflett, commanding 500 men, supported by three pieces of artillery, having in front a strong breastwork occupying only a space of 200 yards—whilst the Kentucky militia, composing Colonel Davis' command, 170 strong, without artillery, occupied more than 300 yards, covered by a small ditch only." The report closed with this significant and important statement: "The major-general approves the proceedings of the court of inquiry, which is dissolved."<sup>5</sup>

Jackson undoubtedly saw after a fuller investigation of the retreat on the right bank that his words of censure of the Kentuckians was unduly harsh, made in the excitement of a victory otherwise unmarred and on the report of officers who could escape a certain amount of deserved censure only by shifting the blame on others. But Jackson was a man of decided opinions and convictions, and when arrived at, stubbornly maintained, even in the face of extenuating circumstances. A piece of popular satire of the day made him say: "It has always bin my way, when I git a notion, to stick to it till it dies a natural death; and the more folks talk agin my notions, the more I stick to 'em." Jackson, therefore, refused to make a public retraction of his charges

<sup>4</sup> Gayarré, *History of Louisiana*, IV, 487.

<sup>5</sup> *Niles' Register*, Vol. 8, p. 124; Gayarré, *History of Louisiana*, IV, 506.

against the Kentuckians, but he did all he could to allay their wounded feelings short of this. Undoubtedly he would never have made the charges had he been in possession of information he later received. In his general order dismissing the troops under his command in the following March, he endeavored to relieve the wounded susceptibilities of the Kentuckians, as far as his own pride permitted him. Shortly afterwards he said: "I hope my general address to my army has shown my impartiality of my mind to every corps and description of troops composing my command."<sup>6</sup> He thus began his general address: "The major-general is at length enabled to perform the pleasing task of restoring to Tennessee, Kentucky, Louisiana and the Territory of the Mississippi the brave troops who have acted such a distinguished part in the war which has just terminated." He then expressed his feelings of gratitude and praise: "In parting with those brave men whose destinies have been so long united with his own, and in whose labors and glories it is his happiness and his boast to have participated, the commanding general can neither suppress his feelings nor give utterance to them as he ought. In what terms can he bestow suitable praise on merit so extraordinary, so unparalleled! Let him in outburst of joy, gratitude and exultation exclaim: 'These are the saviours of their country—these the patriot soldiers who triumphed over the invincibles of Wellington and conquered the conquerors of Europe!' With patience did you submit to privations—with what fortitude did you endure fatigue—what valor did you display in the day of battle! You have secured to America a proud name among the nations of the earth—a glory which will never perish.

"Possessing those dispositions, which equally adorn the citizen and the soldier, the expectations of your country will be met in peace as her wishes have been gratified in war. Go then, my brave companions, to your homes; to those tender connexions and those blissful scenes which render life so dear—full of honor and crowned with laurels which will never fade. With what happiness will you not, when participating in the bosoms of your families the enjoyment of peaceful life, look back to the toils you have borne—to the dangers you have encountered? How will all your past exposures be converted into sources of inexpressible delight? Who, that never experienced your sufferings, will be able to appreciate your joys? The man who slumbered ingloriously at home, during your painful marches, your nights of watchfulness and your days of toil, will envy you the happiness which these recollections will afford—still more will he envy the gratitude of that country which you have so eminently contributed to save."<sup>7</sup>

Not only the 170 Kentuckians who participated in the fight on the right bank of the river felt outraged at Jackson's charges, but Kentuckians in general considered themselves slandered. Just as Jackson was guilty of too much obstinacy, so were Kentuckians too quick to impute a general slander on their state. John Adair, who had led the Kentuckians in the main attack on the left bank, took up the defense of his fellow-Kentuckians, carrying on a long and acrimonious correspondence with Jackson. Although the general had approved the decision of the court of inquiry absolving the Kentuckians of blame and although he had used unbounded praise for all of his troops in his farewell address to them—not even alluding to the unpleasantness with the Kentuckians—still Adair refused to be satisfied with less than a full and direct retraction. In a letter to Jackson on March 20 he laid the case before the general: "The court of inquiry ordered to investigate the affair on the west side of the river have, by their report, acquitted

<sup>6</sup> Letter to John Adair, April 2, 1815, in *Niles' Register*, Vol. 8, Supplement, p. 158.

<sup>7</sup> *Niles' Register*, Vol. 8, pp. 124, 125. This address was made March 14.



Colonel Davis of all blame or censure and have said the retreat of the Kentuckians may be excusable from their position, want of arms, &c. The language in which this opinion is couched, to which I refer you, is not such as can satisfy the pride of a soldier who, having done his duty faithfully, has been slandered by those who have been more to blame than himself. At the request of my fellow soldiers from Kentucky, who have had the honor of serving and, we trust, of having done their duty under your command in this last perilous but most glorious campaign of the war, I have been induced to make this appeal to your justice for a more explicit approval of their conduct, and, if they are entitled to it, for such a one as will enable them to meet their fellow soldiers in Kentucky without a blush."<sup>8</sup> Jackson answered that nothing would give him more pain "than the belief that I had done injustice to any portion of the troops under my command, so nothing, in such an event, would afford me greater satisfaction than to make reparation," but he refused to do more than reiterate his great satisfaction over the report of the court of inquiry.<sup>9</sup>

Adair also charged that Jackson had deliberately belittled the accomplishments of the Kentuckians who had fought in the main engagement, by referring to them as a *division* of the Kentucky militia. According to Adair, "This, taken with other parts of that communication, in which the Kentucky troops are mentioned, has given rise to an opinion in many parts of the Union that but few of the Kentucky men fought on the lines on the morning of the 8th." Adair declared that, instead of 550 Kentuckians, as stated in the account, there were "fully 1,000 men" who fought in the battle on the morning of the eighth. But again Jackson refused to be convinced by Adair's statements and reasoning. "Thus, sir," answered Jackson, "although the Kentucky force in the action of that day has been stated at 550, I have been induced to think, from the best means I have had of judging, that it was even less." Such positive statements were not calculated to sooth the feelings of Adair and his Kentuckians. However, Jackson did say, "On the left, it gives me great happiness to state that the Kentuckians who acted immediately under your command sustained the honor of their state and of our common country."<sup>10</sup> Jackson also stated in a letter to the Secretary of War his appreciation of the bravery of the troops that General Adair led: "General Adair, who, owing to the indisposition of General Thomas, brought up the Kentucky militia, has shown that troops will always be valiant when their leaders are so. No men ever displayed a more gallant spirit than these under that most valuable officer. His country is under obligation to him."<sup>11</sup> Thus again he paid tribute to the Kentuckians on the left bank of the river and at the same time intimated that those on the right bank would have been equally brave had their leaders been so.

Jackson, in his efforts to placate the irate Kentuckians without at the same time receding from his own position, sought to convince them that they were trying to make a mole hill into a mountain. Just because he had said uncomplimentary things about the 170 Kentuckians on the right bank, did not argue at all that any slur was cast on the bravery of all other Kentuckians. He wrote Adair: "You state that the reputed conduct of those troops was calculated to stain the proud military character of a large and patriotic state. As well might it be said that the disgraceful flight of my rear guard on the 24th of January, 1814, at

<sup>8</sup> *Niles' Register*, Vol. 8, Supplement, pp. 157, 158.

<sup>9</sup> *Ibid*, 158. Letter dated April 2, 1815. On this point he said: "The court of inquiry, greatly to my satisfaction, have acquitted Colonel Davis of any conduct deserving censure, on the right bank of the river; on the left, it gives me great happiness to state, that the Kentuckians who acted immediately under your command, sustained the honor of their state and of our common country."

<sup>10</sup> For this correspondence see *Niles' Register*, Vol. 8, Supplement, 156-158.

<sup>11</sup> Gayarré, *History of Louisiana*, IV, 503, 504.

Enotochopeo, had stained the proud military character of the State of Tennessee. The cases were similar—I witnessed both. And could anyone ever think that the disgraceful flight of a few, whilst others of the same corps fought bravely and sustained the honor of the country, could attach disgrace to a state? Surely not. The fact is that the Kentuckians, like all other good materials, have and ever will cover themselves with glory when well officered and gallantly led; but, like all other troops, when badly officered and timidly led, will be covered with disgrace.”<sup>12</sup> Here the case rested for a time.

This contest had been closely followed by the state, and when in 1816 it appeared that the discussion had died, the Legislature extended to Adair its highest approbation and thanks and particularly commended him for “the deep interest he took in vindicating a respectable portion of the troops of Kentucky from the inappropriate imputation of cowardice most unjustly thrown upon them” by General Jackson.<sup>13</sup>

But this unfortunate contention, so needlessly begun and so persistently carried on, had not yet come to a definite end. Conceived in misunderstandings, the struggle was destined to burst forth again through the same element and continue to feed upon it. The secretary of General Thomas, one of the Kentucky officers, on sending an official copy of the report of the court of inquiry to the governor of Kentucky, added the following postscript: “The general is impressed with a belief that the conduct of the detachment of Kentucky militia composing Colonel Davis’ command on the 8th of January has been misrepresented, and that their retreat was not only excusable, but absolutely justifiable, owing to the unfortunate position in which they were placed.” As no signature or initials followed, it was immediately seized by the people of Kentucky as meaning that General Jackson had retracted by this method his former charges, when, as a matter of fact, General Thomas was meant. This postscript and explanation, though published extensively in Kentucky, escaped the notice of Jackson.<sup>14</sup>

In 1817, R. B. McAfee’s *History of the Late War in the Western Country* was published, in which the supposed postscript retraction of Jackson was repeated, with the addition of certain sarcastic comments on the tardy admission of the general “in a dry, reluctant sense of justification” that he had been wrong. The *Kentucky Reporter*, in announcing the appearance of McAfee’s history quoted this comment, and in this way Jackson was first made acquainted with the situation. He promptly and indignantly denied that he had ever written the words attributed to him and that this was “a forgery of the blackest kind,” “wicked, willful and corrupt,” and that the author was a villain. He demanded that the editor of the *Reporter* should publish completely all correspondence between himself and Adair. The editor refused on the ground that it had already been published once and he did not want to encumber his paper with it again. In a second letter Jackson insisted on publishing the correspondence as the only way of settling the question. But, as if misunderstandings and unfortunate mistakes had not yet been sufficiently numerous, in addition to Jackson’s lately acquired quarrel with the editor of the *Reporter*, the latter, through a typographical error in printing Jackson’s letter, reopened the old contest with Adair. Jackson, in his letter, said that Adair had *furnished* McAfee with the forged paper, but the *Reporter* made him say that Adair had *forged* the forged letter. Adair was naturally incensed at what he believed to be charged against himself by Jackson, and replied to him in a very cutting and sarcastic manner. This provoked a long letter from Jackson, who had thus been goaded, in which he assumed a more uncompromising attitude toward the Kentucky

<sup>12</sup> James Parton, *Life of Andrew Jackson* (New York, 1860), II, 396.

<sup>13</sup> Collins, *History of Kentucky*, I, 28.

<sup>14</sup> Parton, *Life of Andrew Jackson*, II, 383, 384.



troops. "You well know, sir," he said, "that your misrepresentations and falsehoods, combined with those of your colleague and the editors of a newspaper, have been disturbing the tranquillity of the public mind, by endeavoring to cast a stigma on the well-earned fame of brave and meritorious officers and seeking to convince the world that men were heroes who ingloriously fled from the enemy." Jackson was tempted into other fields to attack Adair. He used veiled charges against him as to the part he played in the Burr episode, and accused him of using the present embroglio for political purposes, to further his chances of obtaining a seat in the United States Senate or of being elected governor of the state. Adair dismissed the latter accusation with contemptuous sarcasm, and as for the former, in thinly veiled satire, he remarked that "Whatever were the intentions of Colonel Burr, I neither organized troops at that time, nor did I superintend the building of boats for him, nor did I write confidential letters recommending him to my friends, nor did I think it necessary after his failure was universally known to save myself by turning informer or state witness."<sup>15</sup>

After the heat of the occasion had cooled and both had had time to examine the real issue and to see the misapprehensions and misunderstandings both were laboring under, they buried their enmity and became good friends thereafter. But this did not alter the fact with many Kentuckians that Jackson had accused Kentucky troops of cowardice, and long after everybody had ceased to think about or care primarily what Jackson had said this episode continued to be a bone of contention, not now between Jackson and Adair, but in Kentucky politics. The conflict was always precipitated by the customary resolution of the Legislature to fire a salute on January 8th in honor of Jackson and his brave troops at the battle of New Orleans. A lively discussion always immediately followed, in which the participants did not fight over again the battle of New Orleans (for all good Kentuckians were agreed), but the Jackson party and the Clay party were striving for advantage. Sometimes this resolution was passed, other times it failed; but always the vote on it was a perfect barometer of the strength of the political parties in Kentucky. The further effect and importance of this episode will appear when the political history of the state is taken up.

Kentucky characteristics of prowess in war and military ardor and strong feelings of nationalism and patriotism stand out in bold relief in this war. From being a backwoods settlement, despised by the ruling powers in the East and hence discontented, even intriguing with foreign agents, with their scurvy propositions and ambitions, Kentucky was now the leading power in the West—a people who had at times assumed in the West an almost complete direction of a war which they had willed and done much to produce, and who were actuated with a feeling that they had an important part and responsibility in the direction of national affairs and that this was duly recognized and appreciated by the rest of the country.

The patriotism and feeling of responsibility in Kentucky was not only shown in her appointment of Harrison and the hurriedly raising of an army after the defeat of Hull, but it was especially evident in her movements to beat the British back from lower Louisiana. She felt particularly interested in this expedition, for if the British were successful,

<sup>15</sup> For extracts of this correspondence see Parton, *Life of Andrew Jackson*, II, 383-391. In maintaining his position Jackson stated this rule of life he had laid down for himself: "Justice and truth are my polar stars, from which I never have, nor ever will knowingly depart; and permit me to add, that neither wealth, power, or any other consideration, can ever draw from me a falsehood, or prevent my doing justice. Whenever I could be operated upon by such ignoble feelings as either flattering or fear to do an ungenerous act, I should loathe myself and wish to close my mortal career." *Ibid.*, 387.

Kentucky, herself, might lie in the path of invasion and fall a prey to permanent conquest. But, if the ambitions of the British were not so extended, still their occupation of the lower Mississippi Valley would put Kentucky in the position commercially she had occupied a quarter of a century ago. Governor Shelby had this very fear that it would be in their power "entirely to shut up our commerce down the river, or to shackle it by restrictions and duties little short of absolute prohibition. Its effect upon the Western country are too obvious to need comment."<sup>16</sup> The shades of nightmares which all had hoped were gone forever arose. Although Shelby had hurriedly dispatched troops to Jackson as soon as the call came, still it appeared to him that many more would be needed before the British could be expelled. Without waiting for calls from the Secretary of War or from General Jackson, Governor Shelby, in a special message to the Legislature on January 25, 1815 (the news of the victory at New Orleans had not yet reached Kentucky), called upon that body to enact legislation for organizing 10,000 men "to hold themselves in readiness to march when required." "We have too deep an interest at stake," he declared, "to rest our sole reliance upon the general Government. A lengthy session of Congress is drawing to a close, and no adequate provision has been made for raising forces for the defence of the country. Whilst they are disputing about the details of a bill, the time for acting may pass away, not again to return."<sup>17</sup> The following day a bill was introduced providing for the raising of the 10,000 troops recommended and also placing at the disposal of the governor \$100,000 to be used in equipping them and supplying them with proper transportation facilities by land or water to any place he might direct. The news of the victory at New Orleans put a stop to further preparation, and the Legislature, in the joys of the occasion, passed a resolution of thanksgiving and prayer and of gratitude to General Jackson and his men.<sup>18</sup>

The military prowess of Kentuckians individually and collectively was attested by friend and enemy alike in this war. In its spectacular and dramatic effect the traditional action in single combat between colonel Johnson and Tecumseh was long held out as typical of the individual bravery of Kentuckians. The description by a British officer of a Kentucky rifleman at the battle of New Orleans was true to the popular estimation in which he was held. His rather spectacular account follows: "We marched in solid column in a direct line upon the American defenses. I belonged to the staff and, as we advanced, we watched through our glasses the position of the enemy with that intensity an officer only feels when marching into the jaws of death. It was a strange sight, the breastwork, with the crowds of beings behind, their heads only visible above the line of defence. We could distinctly see their long rifles lying on the works, and the batteries in our front, with their great mouths gaping towards us.

"We could also see the position of General Jackson, with his staff around him. But what attracted our attention most was the figure of a tall man standing on the breastworks, dressed in linsey-woolsey, with buckskin leggins and a broad-brimmed felt hat that fell around the face, almost concealing the features. He was standing in one of those picturesque, graceful attitudes peculiar to those natural men dwelling in forests. The body rested on the left leg and swayed with a curved line upward. The right arm was extended, the hand grasping the rifle near the muzzle, the butt of which rested near the toe of his right foot. With the left hand he raised the rim of the hat from his eyes and seemed gaz-

<sup>16</sup> *Niles' Register*, Vol. 8, p. 31. Shelby's message to the Legislature January 25, 1815.

<sup>17</sup> *Niles' Register*, Vol. 8, p. 31.

<sup>18</sup> *Acts of Kentucky*, 1814.



ing intently on our advancing column. The cannon of the enemy had opened on us and tore through our works [ranks] with dreadful slaughter, but we continued to advance, unwavering and cool, as if nothing threatened our progress.

"The roar of cannon had no effect upon the figure before us; he seemed fixed and motionless as a statue. At last he moved, threw back his hat-rim over the crown with his left hand, raised the rifle to the shoulder, and took aim at our group.

"Our eyes were riveted upon him; at whom had he leveled his piece? But the distance was so great that we looked at each other and smiled. We saw the rifle flash and very rightly conjectured that his aim was in the direction of our party. My right-hand companion, as noble a fellow as ever rode at the head of a regiment, fell from his saddle.

"The hunter paused a few moments without moving his gun from his shoulder. Then he reloaded and assumed his former attitude. Throwing the hat-rim over his eyes and again holding it up with the left hand, he fixed his piercing gaze upon us, as if hunting out another victim. Once more the hat-rim was thrown back and the gun raised to his shoulder. This time we did not smile, but cast glances at each other, to see which of us must die.

"When again the rifle flashed another one of our party dropped to the earth. There was something most awful in this marching on to certain death. The cannon and thousands of musket balls playing upon our ranks we cared not for, for there was a chance of escaping them. Most of us had walked as coolly on batteries more destructive without quailing, but to know that every time that rifle was leveled toward us and its bullet sprang from the barrel one of us must surely fall; to see it rest motionless, as if poised on a rock, and know when the hammer came down, that the messenger of death drove unerringly to its goal; to know this and still march on was awful. I could see nothing but the tall figure standing on the breast-works; he seemed to grow, phantom-like, higher and higher, assuming through the smoke the supernatural appearance of some great spirit of death. Again did he reload and discharge and reload and discharge his rifle with the same unfailing aim and the same unfailing result, and it was with indescribable pleasure that I beheld, as we neared the American lines, the sulphurous cloud gathering around us and shutting that spectral hunter from our gaze. We lost the battle, and to my mind the Kentucky rifleman contributed more to our defeat than anything else, for while he remained in our sight our attention was drawn from our duties, and when, at last, he became enshrouded in the smoke, the work was complete; we were in utter confusion and unable, in the extremity, to restore order sufficient to make any successful attack. The battle was lost."<sup>19</sup>

Brave in battle, Kentuckians were honorable warriors who were generous to a fallen foe. They had seen and felt savage cruelty vented on the helpless. The massacre at the River Raisin gave them stern resolution and a bold determination to carry on the war with redoubled vigor, but it did not implant in them the spirit of vengeance and retribution, except as it could be carried out in an honorable way—never upon the fallen and helpless. Commodore Perry, who had used some Kentucky militia on his little fleet in the battle of Lake Erie, spoke of them in high terms. "He represented them as courageous, even to imprudence, and as liberal, generous and humane almost to a fault."<sup>20</sup> And, in the opinion of the *Albany Argus*, "Although justice would have sanctioned the most dreadful retaliation upon the enemy for the cruelty inflicted upon their brethren, yet we have not heard of a single act of retaliation,

<sup>19</sup> Durrett MSS. quoted in McElroy, *Kentucky in the Nation's History*, 362-365.

<sup>20</sup> *Albany Argus*, quoted in *Niles' Register*, Vol. 8, Supplement, 178.

of cruelty, of pillage or insult, inflicted by them upon the fallen foe. They twice conquered—first by their arms and then by their humanity. What magnanimity! What a lesson to the enemy. We know not what effect such greatness of soul will produce upon the *Christian* foe, but it produced the most unbounded submission and confidence in their *savage* allies.”<sup>21</sup>

The *London Quarterly Review* carried an entirely different story. In a rather bizarre fashion it made some amusing charges against the Kentucky troops. It gravely stated that “Every man who has served in that country can attest the fact that the Kentuckians invariably carried the tomahawk and scalping knife into action, and are dexterous in using them. It is well authenticated that the first scalp taken in the late war was torn from the head of a lifeless Indian by the teeth of a captain in the American service. This wretch, whose name was McCulloch, was killed in a skirmish on the 5th of August, 1812, and in his pocket was found a letter to his wife, boasting that on the 15th of the preceding month, a few days after the opening of the war, when an Indian had been killed on the River Canard and was found scalped, he had performed the exploit.”<sup>22</sup> The *North American Review* defended Kentucky against such groundless and wild charges. “The character of the Kentuckians,” it said, “is beyond the reach of *tirades* like this. We know them well. They are generous, hospitable, high spirited and patriotic, fearing nothing and regarding nothing in the heat of battle, but kind and humane when the battle is over.”<sup>23</sup> The American Government charged Great Britain with the seeming intention of giving “to this war every degree of savage barbarity and cruelty which it may be able to inflict.” Especially had she been guilty of imprisoning Americans as felons awaiting trial for treason. The Secretary of State, therefore, wrote the governor of Kentucky requesting permission to confine a like number of British in the penitentiary in Frankford, “which is represented to be a building affording the twofold advantage of *good* and *safe* accommodation.”<sup>24</sup> Kentucky at once set aside space for them.

The patriotic ardor and nationalist feelings of Kentucky stood out with great prominence in this war and very strongly impressed itself on the other parts of the country and on the East in particular. The narrow-minded rivalry and scurvy jealousies the East had held out against the West fast melted away in the face of the record Kentucky made in the war. The *Albany Argus*, in the midst of the war, was led

<sup>21</sup> Quoted in *Niles' Register*, Vol. 8, Supplement, 178.

<sup>22</sup> Quoted in *The North American Review*, XXIV (New Series, XV), 436, 437.

<sup>23</sup> *Ibid.*, 437. It continued: “Every hunter or woodsman carries a knife, whenever his occupations lead him into the forest. It is as necessary to him as his rifle and blanket. Without it, he could not skin and dress his game, nor strike his fire, nor cut a stick, nor prepare for encampment, nor divide his victuals, nor perform the thousand offices, where such an instrument is required. But this writer probably supposed that every night, a comfortable table, with its knives and forks, and other apparatus, is spread for the citizen soldier who mounts his horse at the summons of his country, and is soon lost to all but himself and his companions, in the everlasting solitude of pathless forests. Here, his roof is the heavens, his pillow a saddle, his bed a blanket, a pointed stick his only culinary utensil, and his knife the only manual instrument. And how long is it, since similar instruments were carried by the Highlanders, and since ‘the clanking of knives and forks, lifted from the table, above the salt, and drawn from the sheath, below it,’ was heard at Highland dinners? And these hardy mountaineers, and we speak it seriously, were as likely to scalp their living companions, as the Kentuckians to inflict outrages upon a dead or dying savage. It may be, that such gross violations of decency and humanity were committed. Individual passion cannot always be restrained, but the man and the deed would be reprobated, as generally and as vehemently in Kentucky as in London.”

<sup>24</sup> *Niles' Register*, Vol. 5, p. 306. Letter dates, November 27, 1813. On December 8, 1813, a resolution was passed by the Legislature providing for the necessary accommodations. *Acts of Kentucky, 1813*, 220.

to comment on the situation in a manner very favorable to Kentucky. It said: "The interested views of ambitious demagogues have deceived one-half our nation as to the views of the other half and made our Northern federalists look upon the inhabitants of the Western country as a set of most selfish, jealous beings under heaven, intently bent on destroying the commerce and influence of the eastern states, when in truth there are no people on the globe who have evinced more *national* feeling, more disinterested patriotism, or displayed a more noble enthusiasm to defend the honor and rights of their common country than the people of the western states. Comparatively speaking, they are but trivially affected by the fluctuations of the commercial world, and even a state of war presents nothing alarming to a state like Kentucky, wholly removed from the scenes of its operations and beyond the reach of its evils. Possessing the most inviting climate and a soil which yields all the necessities and many of the luxuries of life with little labor, the inhabitants of Kentucky, were they actuated, as the enemies of our welfare would insinuate, by selfish, mercenary or vicious motives, might enjoy the tranquility of their homes in undisturbed security—see the billows of war break harmless at their feet and view the conflicting interests of the commercial world with stoic indifference. Situated many hundred miles from the ocean and separated from the Indian frontiers by Ohio, Indiana, Tennessee and the Mississippi territory, the people of Kentucky could feel no apprehension of invasion. And yet what have they done? They have done more to bring about an honorable peace, by giving energy to the war, than all the New England states put together. They have sent 17,000 volunteers to protect the inhabitants of other states and to avenge the nation's wrongs; and disaster, instead of disheartening, has only tended to redouble their exertions." <sup>25</sup>

But even the strongholds of federalism and hostility toward the West were stormed by the patriotism Kentucky had showed in the war. A federalist merchant from Boston was in Kentucky during the fall of 1813, while Shelby was preparing to lead his volunteers against the British in Canada, and observed with utter amazement the patriotic zeal of the people. In a letter to a Boston friend he declared that "they are the most patriotic people I have ever seen or heard of. When Governor Shelby issued his late proclamation for volunteers, a proportion of those who marched were respectable farmers with large possessions—many entered entirely independent in property, leaving large and respectable families; and some at the age of fifty years, and a great many at forty, with no expectations of benefit or pay, finding their own horses and equipment. This singular patriotism is singular and astonishing. Many men of the first character have in former campaigns volunteered, and some have lost their lives. These things to a New Englandman look like madness—here it is considered glorious, as it really is. With such ardor and patriotism, should it pervade all ranks of the United States, our country could war successfully against all the foes England and France could bring against us. Here are few opposers to the war, but no enemies to the country; we have a few that are termed federalists, but not like those of New England." <sup>26</sup>

The *Albany Argus* compared with deadly effect the war feeling in Kentucky and in the New England states: "What is the conduct of the venerable Shelby? Does he, like Strong, interpose constitutional scruples and chill the patriotism and devotion of his countrymen by denying the national authority and limiting them to their own state? No. He gives new luster to his character, already bright upon the historic page of our revolution—he hastens to obey the national will—acts as a stimulant to

<sup>25</sup> Quoted in *Niles' Register*, Vol. 8, Supplement, 178.

<sup>26</sup> Quoted in *Niles' Register*, Vol. 8, Supplement, 178, 179.



his constituents and worthy of a free people—he enrolls his name at the head of a volunteer list, although sixty-six years of age, and invites them to march with him to a distant province—to encounter with him the hardships, the privations and the dangers of a sanguinary campaign. And how is the invitation received? Do the brave militia of that young state imitate the example of some of its elder sisters? Do they wait to be drafted—or, when drafted or detached, ignobly shrink from their duty and pitifully seek to avoid the penalties of law? We lack words to express a just admiration of their noble conduct. In fifteen days 4,000 voluntarily hastened to the standard of their chief, mounted and equipped at their own expense—undergo a march of 600 or 700 miles—and when they reached the boundary line that separates their own from their enemy's country, they put to shame the miserable subterfuge of cowards—they seek the enemy in his strongholds—fight and conquer him and his province—and return to their homes laden with honor and rich in the admiration of the American nation and of the world.

“Such, Citizens of New York, has been the genuine, the wonderful patriotism of a people whom you have been instructed to regard with jealousy and suspicion and whose interests you have been told are at variance with your own!”<sup>27</sup>

The recent war meant much for Kentucky. She had not only completely found herself, her resources spiritually and materially, but she had compelled the rest of the country to take note of her and accord her her proper place in the councils of the nation. Her statesmen were attaining positions of prominence, and their statesmanship was not devoid of Western aspirations and influence. In conjunction with the rest of the West, Kentucky comes to play a bigger part in shaping national policies. In fine, the West emerged from the war with peculiar problems and a growing power and influence to formulate and enforce their solutions.

<sup>27</sup> Quoted in *Niles' Register*, Vol. 8, Supplement, 179.

## CHAPTER XLVII

### SLAUGHTER AND THE DISPUTED GUBERNATORIAL SUCCESSION

The late war was followed in Kentucky by marked political and economic manifestations and developments. Just as the people in war had been pronounced and vigorous in their reactions to the problems and difficulties of the day, so they in peace were no less positive and daring. Their great interest in and special adaptation to political disputation had been noted by early travellers. The war intensified these traits. Amos Kendall, who came to Kentucky about this time to make for himself a career, bore striking testimony to the vigor with which the people served their politics. He believed the road to preferment could best be started in this way: "I have, I think, learnt the way to be popular in Kentucky, but do not as yet put it in practice. Drink whiskey and talk loud, with the fullest confidence, and you will hardly fail of being called a clever fellow."<sup>1</sup>

Political divisions were almost swallowed up and lost in the first few months following the end of the war, in the general acclaim of those who had played so glorious a part in state and nation in a military, political, or diplomatic way. The momentary disappointment that came to some on the announcement of peace soon vanished on more mature deliberation, and those who made the treaty were given due praise. It was an especial joy that one of the most prominent of the Ghent commissioners was a Kentuckian, who had upheld in a masterful manner the interests and aspirations of Kentucky and the West. Therefore when Clay returned he was received by his fellow Kentuckians with great cordiality and respect. According to an account of the day he was "almost daily receiving some new evidence of their love and respect."<sup>2</sup> His home-city, Lexington, gave him an official welcome. The Board of Trustees in a resolution participated "in the general joy felt at the return of our distinguished fellow citizen, Henry Clay," and expressed their high appreciation of the course he and his colleagues had followed at Ghent, stating that they had "discharged the important duties confided to them in a manner highly honorable to themselves and satisfactory to the government and people of the United States." Clay replied that the "uninterrupted favor and affection" shown for him by his townsmen for many years was "peculiarly gratifying;" but as for any great honor due on account of the recent peace negotiations, he would have them remember that the chief work there consisted in peremptorily rejecting "the inadmissible terms proposed by the ministers of Great Britain." "The time will never arrive," he continued, "when any American minister can justly acquire honor for performing a duty so obvious, as that always must be, of refusing to subscribe to disgraceful conditions of peace."<sup>3</sup> A public dinner was given to him where many toasts were drunk to his honor. Here again he expressed the feeling that little honor was due the Ameri-

<sup>1</sup> *Autobiography of Amos Kendall*, Wm. Stickney, editor, 126.

<sup>2</sup> *Niles' Register*, Vol. 9, p. 151.

<sup>3</sup> *Ibid.*, 150.

can commissioners for the work they did, but that he was no less appreciative of Lexington's reception. But he gloried in the fact that the war had taught Europe to respect Americans; that the reputation of the United States was now firmly established abroad.<sup>4</sup>

Kentucky's satisfaction with the outcome of the war as well as with the general conduct of affairs by the national administration was expressed by the Legislature in an address to President Madison on his retirement from the presidency. His services in upholding the constitution, in conducting his high office "with correct policy," in steering the nation through "a just and necessary, but a tempestuous and boisterous war, difficult on account of the power of the enemy, but rendered more dangerous by faction at home"—his services along all these lines, "demand of us an unequivocal declaration of your title to the lasting gratitude of the people of Kentucky; and while we contemplate with delight the elevated attitude of this nation among the civilized governments of the age, we will cherish with pleasure the memory of the man, whose talents and services have so eminently contributed to his country's character and unsullied honor." An attempt by Rowan in the House to temper this praise in certain particulars was defeated by a vote of 68 to 15, and in the Senate it failed by a unanimous vote.<sup>5</sup>

The crystallization of the people around national figures in their political affiliations had not yet advanced far enough in Kentucky to cause much opposition to Clay; nor had Jackson yet emerged as a national political leader sufficiently to have a strong following in the state or to have raised up bitter political enemies. His memory was, however, unsavory with many on account of military reasons. Therefore, when Kentuckians, proud of their record at New Orleans, expressed their appreciation of their fellow citizens who fought there, they conspicuously failed to mention by name or even refer to "Old Hickory," the hero of New Orleans. These resolutions of 1817, which were yet more patriotic than political, show the vigorous and somewhat boisterous feeling of the people: "*Resolved*, By the legislature of the commonwealth, That the recurrence of this day is calculated to awaken in every American bosom sensations of joy and gratulation. The eighth day of January, one thousand eight hundred and fifteen, was distinguished by a victory the more splendid as it was achieved by the proud votaries of civil liberty, over the disciplined vassals of an ambitious monarch. New Orleans, and this day, form a combination of *time* and *place* alike humiliating to England and gratifying to America. On this memorable day Britain was vanquished and driven from the land of freedom; while she trembles, let us rejoice; and that we may evince the proud sensations connected with the day and the valor of our brave officers and soldiers—

"*Resolved*, That our venerable acting governor [Slaughter] (who is himself respectfully remembered in connection with the day and subject) be requested to cause the artillery company of the town of Frankfort forthwith to parade on the public square near the capitol, and there to discharge nineteen rounds of canon, a round for each state in our happy union, in commemoration of the achievements of our arms on that glorious day."<sup>6</sup>

Although in national politics the so-called "Era of Good Feeling" had set in and Kentucky was doing her part to perpetuate; in state affairs events so transpired that within two years after peace had been proclaimed the people were arrayed against each other in a bitter contest, senseless though it might seem to outsiders. Governor Shelby, who had guided the state through the period of warfare just ended, reached the

<sup>4</sup> *Niles' Register*, Vol. 9, 196.

<sup>5</sup> *Ibid.*, Vol. 12, pp. 42, 43.

<sup>6</sup> *Niles' Register*, Vol. 11, p. 407.



end of his term of office in 1816. In his final message to the legislature in December, 1815, he commended the state on its record in the late war, and saw a further development in the high sense of honor and duty that had always characterized the people. War was terrible; but still it had its compensations. It developed noble emotions. "The spirit of the nation which lay dormant, not extinguished, was no sooner roused into action, than it burst upon the heads of our enemies, and struck terror and consternation through their ranks." "No longer is our character obscured by our forbearance, and our love of peace." He would, therefore, have the state and nation prepared hereafter. He recommended a program for military preparation by the state and suggested that the nation help. Rich in honors and the affections of his fellow citizens, Shelby took this party leave: "I cannot take my leave of the general assembly without expressing to them the grateful sense I shall always entertain for the favorable light in which my countrymen have viewed my public conduct, and offering to the Divine Disposer of all human affairs, my devout acknowledgement for his many favours extended to our country, and my fervent prayers that his protecting arm, may long preside over its destinies."<sup>7</sup> The legislature replied in a spirit of deep appreciation and respect. Believing it improbable that they shall ever act again in official concert due to the Governor's advanced age, the General Assembly desired to express "their respect and gratitude for the services rendered by their venerable chief magistrate to their common country. Those services will form a part of the history of the nation, and will transmit his name honorably to posterity. They implore the blessings of heaven upon his declining age, and bid a painful, but affectionate adieu."<sup>8</sup>

The canvass was soon on for the election which was to take place in August, 1816. Gubernatorial elections as a rule had not been hard fought; opinion generally crystallized around some outstanding figure who soon overshadowed opponents to such an extent that they either withdrew or ran a poor race in the election. In the latter part of 1815, two candidates appeared—Major George Madison and Lieut.-Col. James Johnson. They were, both, men of military reputation, which was eminently fitting and in keeping with the spirit of their electorate. At this time it would have been sheer madness for a man without a military record to have stood as a candidate. Madison had been closely identified with every war his state and nation had ever been engaged in. Although under age, he had fought in the Revolution; in the Indian wars of the Northwest, he was conspicuous for bravery; and in the War of 1812, he had fought with courage being captured at the battle of the River Raisin. Colonel Johnson was a much younger man; but in the late war, he had upheld the name of his state, having engaged in the battle of the Thames. A news account said both were "gentlemen of fine talents and high minds, ardently devoted to the *republic*." "It is unfortunate," it added, "that two men so highly esteemed by the patriots of that state should be opposed. We wish that *both* might be honored as they deserve."<sup>9</sup> But the superior age and military experience of Madison was destined easily to control the situation. Public opinion soon set in so strongly for him that Johnson retired early in the race, declaring that it would be futile to run against a man so universally popular. In the election in August, 1816, Madison was, therefore, elected unanimously. For lieutenant governor, there was less unanimity of opinion. Three men were voted for, Gabriel Slaughter, R. Hickman, and James Garrard, the

<sup>7</sup> *Niles' Register*, Vol. 9, pp. 318, 319.

<sup>8</sup> *Ibid.*, Vol. 10, p. 128.

<sup>9</sup> *Niles' Register*, Vol. 9, p. 151.

first named received over 7,000 majority over the other two combined in a total vote of about 46,000.<sup>10</sup>

On October 14, 1816, Madison died and on the 21st was succeeded in office by Lieutenant-Governor Slaughter. Charles S. Todd who had been appointed secretary of state by Governor Madison immediately on the death of his chief, entered into a correspondence with the new governor concerning that office. He felt that as the secretary of state was intimately associated with the governor the latter should have no one filling that office who was not in perfect sympathy with and acceptable to him. Realizing that the situation had a certain element of delicacy in it, Todd on October 19th wrote Slaughter that if he wanted to make a different appointment to the office of secretary of state, "I pray you to consider me as offering no obstruction to the execution of such an intention, if you should wish to carry it into effect." Todd did not wish to appear in the light of handing in a resignation; for he desired to keep the office—his only wish was to relieve Slaughter from embarrassment, if he wanted to make a change. He was careful, therefore, not to word his letter in such a way as to be considered a resignation or conveying the desire to resign. He said, "at the same time I wish to be distinctly understood as having no objection to co-operate with your excellency in that office, in the advancement of the interests of our common country, should it be your pleasure that I should retain it." Two days later Slaughter replied saying, "Your note of the 19th instant, tendering your resignation of the appointment of Secretary of State is before me;" and in a very polite and obliging manner accepted it.<sup>11</sup> This was a surprise and a disappointment to Todd and his friends. But there was occasion for more surprise and wider spread, when Slaughter announced he had appointed John Pope to the vacancy.

Pope had not been in good standing with the dominant element in the state since the days when he had stirred up such bitter opposition in advocating the United States Bank and voting against the declaration of war against Great Britain. Since then he had won few political friends; but on the contrary had made many enemies. He had been gradually assuming the leadership of that element opposed to Henry Clay, and had very recently been defeated for Congress by Clay. It was, therefore, rather dangerous politics to play in the appointment of Pope. An opponent of Pope addressed an open letter to the governor in which he said, "You have commenced your career by giving it the stamp and mark of federalism." He declared Slaughter had thwarted the voice of the people and that in the person of both him and Pope the minority had been enthroned in the government. "No matter in what manner the subject strikes my mind," he said, "it becomes the most mortifying circumstance that has transpired since the formation of our state government." He declared that Pope was in fact a federalist, and the whole administration must be held as approaching the same limit on the points in which it had registered so far. Had the federalists won the election, no one should have a right to complain—but to be robbed of a victory in such a manner was not to be tolerated.<sup>12</sup>

Soon after this Governor Slaughter made another move that added to his unpopularity. Supposedly on the advice and at the instigation of Benjamin Hardin, he appointed Gen. M. D. Hardin to fill out the unexpired term of William T. Barry in the United States Senate made vacant by his resignation. This appointment was to hold only until the Legislature should meet in December, when according to law it should

<sup>10</sup> The vote was as follows: Slaughter, 26,888; Hickman, 11,733; and Garrard, 7,723. *Niles' Register*, Vol. 10, p. 431; Vol. 11, p. 31.

<sup>11</sup> *Kentucky Gazette*, August 9, 1817; *Ibid*, October 28, 1816.

<sup>12</sup> *Kentucky Gazette*, November 8, 1816.

elect a successor. As Hardin was held by many Kentuckians to be a federalist, Slaughter was bitterly denounced for this fresh evidence of his detested federalism. Despite the fact that Hardin was later elected by the Legislature for the remainder of Barry's term, Slaughter was still denounced as in fact responsible.<sup>13</sup>

Thus when the Legislature met in December, 1816, many of the people were in no happy frame of mind nor in a mood to receive the governor with equanimity. His message to the Legislature should have dispelled the opposition and built up for him a host of sturdy followers; for it was a remarkable document. With a becoming humility and regard for others views it suggested a constructive program for the state. He advocated internal improvements, the proper training of the militia, and other defence measures for the state; but most commendable and remarkable of all was his bold stand for the education of the citizenship of the state. "Knowledge and virtue," he said, "are every where the surest basis of public happiness; the strongest barriers against oppression; a powerful check to mal-administration, by rendering it necessary for those in power to secure not the blind, but the enlightened confidence of the people." He announced the state's responsibility in this matter: "Every child born in the state should be considered a child of the republic, and educated at the public expence, where the parents are unable to do it." He also counselled stern political morality and honesty.

He paid a tribute to his lamented predecessor, "first in the confidence and affections of the people." "He was a true patriot; a brave and generous soldier, and blessed with every noble and amiable quality which can adorn the human character. In his death the state has sustained an irreparable loss, which, in common with my fellow citizens, I sincerely lament." Mindful of the opposition that had already grown up against him, he stated that he felt "unequal to the high and important duties of chief magistrate of this commonwealth" and that he "would most cheerfully have declined the post which the constitution has assigned me, had this deplorable visitation of Providence and the partiality of my countrymen left me this alternative; But duty commands me to meet the responsibility thus devolved; from which relying on support from a kind Providence, I could not, I will not shrink." He answered the criticisms that had been levelled against him not in kind but with consideration and respect: "I commence my executive duties fully persuaded that I shall frequently err from want of information and defect of judgment; and that my conduct, when correct, will be often censured from prejudice and mistake. To you, however, and my constituents, who have given me so many proofs of their confidence and affection, I pledge myself fairly and faithfully to administer the Government according to the republican spirit and principles of our free constitution. I will do everything in my power to satisfy those who have bestowed on me their suffrages; by a fair and just course to reconcile others, and to advance the freedom and happiness of all."

He sought in this message to build up a sentiment against violent party spirit or partizanship. He had been attacked as a federalist, and a minority office-holder. He hoped to silence this outcry by honesty of purpose and efficiency in office. He promised to "discourage party spirit, which so often generates dangerous and corrupt factions, destroys social happiness, distracts the public councils, and deprives the people of the united efforts of the wise and good to promote the public welfare. Party spirit, although sometimes unavoidable, is at all times unpleasant, and often mischievous. Parties too often lose sight of the causes and principles which gave them birth; organize factions, who frequently substitute their will for the will of the people, and by an artful and active

<sup>13</sup> *Kentucky Gazette*, November 18, 1816.



course contrive to give tone to public opinion and public affairs." He sought to answer his critics and at the same time score a point for the public good, by imitating Washington in calling for union of efforts instead of party division. He would be the governor of no party, but of all the people; and he hoped to unite the state behind him. "From long observation and experience, I have been led to conclude that true and practical republicanism under our government, consists in an honest and faithful discharge of duty according to the spirit and principles of the constitution; and that although factions may unhappily divide and distress a country, a chief magistrate ought to pursue the union of his fellow citizens, and the good of the state independently of all parties. Believing that under government based on the moral feelings and moral power of the people, a just and impartial administration will insure the best and most firm support, I must rest my claim to public approbation, on the integrity of my course, and the good sense and justice of my fellow citizens. Animated by these views, I do in the sincerity of my heart, invite a cordial and united effort for the good of our common country."<sup>14</sup>

Instead of silencing criticism, Slaughter laid himself open to further charges by his political opponents, who now declared they were certain he was a federalist and that he was counselling the abandonment of party lines to cloak his position. The editor of the *Kentucky Gazette* said, "He has proved that no party can safely confide in him; he has convinced us that he pretended to belong to the republican party, *merely* to acquire office and honor; his practice has been at variance with his professions. He will, we hope, be permitted soon, to exclaim, in the language of Napoleon, 'my political life is at an end.'"<sup>15</sup> Slaughter undoubtedly felt that if his opponents were able to connect him with federalism, his political career was at an end. The *Kentucky Gazette* stated about this time that, "In no instance, within our knowledge, did an *avowed federalist* ever succeed in obtaining the confidence of the people, in Kentucky."<sup>16</sup> The term federalism to a Kentuckian meant the New England kind with ideas of aristocracy and perhaps monarchism, and the stigma of opposition to the late war. A traveller through the state about this time, characterized the Kentuckian thus: "He is hospitable, but rather ostentatious, plain in his manners, and rather grave; a great politician, rather apt to censure than to praise, and a rather bigoted republican. It is said by enemies, that were a person to travel through Kentucky and openly approve of Monarchical principles, he would be stabbed. This is not true; but it is true that they are irascible, to a great degree, and it would not be wise for any man to preach up even federal, that is tory, principles in this state."<sup>17</sup>

This growing opposition to Slaughter soon expressed itself in a very concrete and tangible program. If he be a federalist and, therefore, objectionable, he should not be tolerated in the high office he occupied. The cry was raised that he was in actuality not properly the governor of the state; that he had been elected to the office of lieutenant-governor and had never been intended for governor. The state should be rid of him; and the orderly method of accomplishing this was to call a new election. Matthew Lyon who had already had a long career of advocacy of extreme democracy and who had edited a newspaper before migrating to Kentucky called *The Scourge of Aristocracy and Repository of Im-*

<sup>14</sup> Message of December 3, 1816 in *Kentucky Gazette*, December 9, 1816; *Niles' Register*, Vol. 11, pp. 391, 392.

<sup>15</sup> June 21, 1817.

<sup>16</sup> August 5, 1816.

<sup>17</sup> E. P. Fordham, *Personal Narrative of Travel in Virginia, Maryland, Pennsylvania, Ohio, Indiana, Kentucky; and of a Residence in the Illinois Territory: 1817-1818* (Cleveland, 1906). Edited by F. A. Ogg.

*portant Political Truth*, early set upon Slaughter with some of the old vigor that had brought a fine and jail sentence from the federalists upon him in 1798. In the *Kentucky Gazette* he poured out his argument week after week. He said there must be a new election for governor, as the people had never elected Slaughter to that office. In his zeal for striking arguments, Lyon conjured up the possibility of the governor holding office for life by a hide-and-seek arrangement between the office of governor and lieutenant governor, despite the provision of the constitution which declared that the "governor shall be ineligible for the succeeding seven years, after the expiration of the time for which he shall have been elected." Lyon reasoned that by succeeding from the lieutenant governorship to the governorship through the pre-arranged plan for the elected governor to resign, the lieutenant governor, who would not be the governor but merely the "acting governor," would be able to perpetuate himself in the governor's office, by this "political farcical juggle."<sup>18</sup>

Joseph Cabell Breckinridge, who was a member of the Legislature, entered into a long and minute constitutional argument to show that Slaughter was not entitled to fill the unexpired term of Madison. The constitutional provision concerning the gubernatorial succession follows: "In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the lieutenant governor shall exercise all the power and authority appertaining to the office of governor, until another be duly qualified, or the governor, absent or impeached, shall return or be acquitted."<sup>19</sup> The phrase, "until another be duly qualified," was capable of two interpretations, and it was on this that the whole question hinged. Did it mean that the lieutenant governor succeeded to the remaining term of the governor, or did it mean that he should serve as governor only until a governor could be elected by a special election? Breckinridge summed up his position in the statement that, "Though the constitution is not so full and clear on the subject as could be wished yet from its general import, from the general intention of its framers, and from the many absurdities which a contrary doctrine would involve, we are justified in the conclusion that it was the intentions of the framers of that instrument that there should be a new election."<sup>20</sup>

The supporters of Slaughter, the more conservative element, argued with much logic and reason that the constitution should be interpreted in the ordinary light in which such documents were viewed, and not in the distorted and prejudiced manner which characterize those who wanted to oust Slaughter—and that mostly for political reasons. Their fight against Slaughter was not born of a respect and concern for that document; in fact only after Slaughter had done certain political acts displeasing to that group did they suddenly discover that the constitution was being violated and that it was left to them to uphold that sacred instrument. Slaughter's supporters pointed to the fact that in every other state in the union the interpretation given to the gubernatorial succession clause made the lieutenant governor fill out the whole unexpired term of the governor. So was it also true in the case of the nation; no one questioned the right as well as duty of the vice president to fill out the unexpired part of the president's term in case of his death.

Arguments gave way to action when on January 21, 1817, the House voted on a bill "to enquire into the Constitutionality of authorizing by law, an election for Governor, at the next annual election." This measure was defeated by considerable majorities in both House and

<sup>18</sup> *Kentucky Gazette*, January 27, 1817.

<sup>19</sup> Article III, section 18.

<sup>20</sup> *Kentucky Gazette*, February 24, 1817.

Senate.<sup>21</sup> To the opponents of Slaughter, this defeat meant only that the people throughout the state were not sufficiently informed on the dangers that were hanging over the commonwealth in the person of an unconstitutional governor; therefore, a campaign of enlightenment must be instituted for the direct purpose of influencing the people to return in the coming August election only those candidates who stood for a new gubernatorial election and the purging of the state government of its self-appointed chief magistrate.

The stage was early set for the contest and the state was thoroughly upset and agog for many months to come. Some of the most prominent men of the commonwealth came out for the new election doctrine. Among these were John J. Crittenden, destined to play a prominent part in the affairs of the nation, Joseph Cabell Breckinridge, whose family had already given leaders to the state and was destined to make even greater contributions; William T. Barry, lawyer, diplomat, soldier, cabinet member; George M. Bibb, justice of the highest state court, United States Senator, cabinet member, and Jesse Bledsoe, United States Senator, judge, orator. Henry Clay had graduated beyond the politics in a great measure; yet his influence here was not small. He, therefore, entered into the new election contest very little—and designedly so, for he saw in it the possibility of party differences and political enmities which he did not care to be connected with. His friends for the most part were for the new election, especially as John Pope, his chief political rival, was identified with the Slaughter administration. The general impression throughout the state, however, was that Clay stood for a new election.<sup>22</sup> Aided not only by such men, famous or yet to become so, and the outstanding leaders of the state, the new election cause was also championed by the most powerful and influential newspapers. The *Kentucky Gazette*, the *Reporter*, the *Argus*, and many others filled their columns week after week with arguments and appeals calling upon the people to be wary lest they cease to rule at all, when a usurper occupied high place. Those who were foremost in the support of Slaughter were George Robertson, the eminent jurist, and John Pope, the secretary of state.

The argument in the preceding legislative debate of the past winter were reproduced in this campaign, so vigorously fought for the control of the Legislature. Spurious reasoning and dangerous fallacies and sophisms were employed, playing upon the ignorance and passions of the people. The winds were being sown, only to harvest the whirlwinds a few years later. The strong passions of the people already so firmly implanted in them that they alone were in the last instance the supreme authority were greatly inflamed in the campaign. Again they were asked if they intended to submit to a high official whom they did not elect. They alone were the source of all political power, and they alone should be the final judges as to whether the constitution had been disobeyed in Slaughter's assuming the permanent post of governor. If the constitution was not clear on the gubernatorial succession let the people decide; they alone should rule. Who could there be so distrustful of the people as to doubt "that it would be anti-republican, contrary to the spirit and genius of our government to submit to be governed by a mere subaltern?" It was even argued that in a last analysis the constitution itself must bow to the superior sanctity of the inalienable right of the people to rule. The rights of man in a state of nature and the social compact on which all legitimate government was formed should be the final rule. There was

<sup>21</sup> The vote in the House was 63 to 28, and in the Senate, 28 to 3. George Robertson, *Scrap Book on Law and Politics, Men and Times* (Lexington, 1855), 1-3; *Kentucky Gazette*, January 27, 1817; *Niles' Register*, Vol. 12, p. 42.

<sup>22</sup> See *Public Advertiser* (Louisville), October 13, 1818; *Kentucky Gazette*, March 3, 1817.

thus a law higher even than the constitution. Thus was that instrument superseded by a return to the old doctrines that had been used in bringing on the American Revolution.<sup>23</sup> George Robertson said, "Under false colors they have without a solitary argument, but merely by flattery and pretty names, induced many honest, unsuspecting men to join them in their unholy crusade against the constitution."<sup>24</sup> Slaughter, himself, was not attacked to any great extent. His ability and conspicuously progressive and sound course during the time he had occupied the governorship had made a favorable impression on many people and had made it very difficult for his political enemies to attack his record or character. It was for this reason, then, that his opponents confined their campaign principally to abstractions on constitutional and "higher law" arguments.

Slaughter's defenders beat back with doctrines and arguments worthy of the higher regard for the stability of government assumed by them. Pope was very active in the campaign. He sent numerous personal letters to prominent people throughout the commonwealth, counselling them to work for the defeat of the new election scheme. This propaganda was assailed by his opponents as affording all necessary proof of the secret and covert designs of those who were actively engaged in thwarting the will of the people.<sup>25</sup> The Slaughter supporters pointed out how futile all government was if the constitution might be set aside at will by designing demagogues and scheming politicians. Again they argued the perfect constitutionality of Slaughter's position, and sought to call the people back to a sense of the sanctity of constitutional government, warning them of the ultimate anarchy that would inevitably follow in any other course. George Robertson plead: "Oh! my country, art thou, with all thy noble and exalted destinies, quivering on this awful precipice! Have we come to this that a few men may sack the constitution when they please, with impunity?" Robertson declared that if a new election were ordered instead of settling anything, new and more profoundly perplexing difficulties would be raised up. Instead of having one governor, two would be found attempting to rule. No course could be designed better calculated to lead to anarchy and utter ruin. But it was argued that the Court of Appeals would force Slaughter out. Robertson said this was assuming more than would likely happen, and if so, then what. Force the court to so rule, declared the Slaughter opponents. In the words of Robertson, "The advocates of a new election admit that we have not a right to change the constitution in any other way than therein prescribed, but some of them still have the affrontery to say that we can force the courts to give it what construction we please. \* \* \* Will you then, people of Kentucky, permit yourselves to be duped and cheated out of your constitution by those candidates for power? Think for yourselves, and act like men who deserve to be free; and coolly, deliberately, and wisely."<sup>26</sup>

The passions of the people had been aroused; and it seemed that no amount of reason and logic could allay them. In the August election the new election supporters were victorious. The *Kentucky Gazette*, directly following the election, estimated the majority in the House to be from ten to twenty, representing an overturn of the adverse majority of thirty-five in the preceding Legislature. As later determined, the actual majority of the new election men was twenty-six. As only one-fourth of the Senate was elected each year, it was impossible to capture that body immediately by the election method. However, the one-fourth elected at this time were almost unanimously for the new gubernatorial election.<sup>27</sup>

<sup>23</sup> See Robertson, *Scrap-Book*, 17; *Autobiography of Amos Kendall*, 184-198; *Kentucky Gazette*, June 16, 1817, *passim*.

<sup>24</sup> Robertson, *Scrap-Book*, 5.

<sup>25</sup> A copy of one of these letters is in the *Kentucky Gazette*, July 19, 1817.

<sup>26</sup> Robertson, *Scrap Book*, 18, 19.

<sup>27</sup> *Kentucky Gazette*, August 9, 1817.



The people had spoken; a mighty power had been awakened; what of the future? A legislature had been elected, backed by the people on any raid on the constitution it should feel impelled to make. Robert Wickliffe explained and characterized it later: "The war had thrown upon society a mass of sixty days' Majors, aids-de-camps to military generals & some of whom from having worn swords, and all of whom from having eaten public beef, were qualified for the Legislature. You had too, Sir, a goodly number of lawyers, lacking clients, who had time, and who felt as if they had talents, to legislate for you. They also became your Legislators: and being homogeneous with the offal of the war formed the basis of the Legislature of 1817. They proclaimed the doctrine of vox populi, vox Dei—that the people could do everything and that they themselves were the people—that it was absurd to say that the constitution could or ought to control the voice of the people as expressed by their representatives—that the constitution was the creature, and the people the Creator, and to suppose it to be the supreme law was to make the creature control the Creator."<sup>28</sup>

Governor Slaughter did not participate in the arguments and debates of the August campaign; but on the assembling of the Legislature in December he sent to that body in his annual message a document far above the average for the governors of American states. He not only reiterated his former recommendations for the development of the state along all important lines—and of absolutely commanding and first importance the building up of a school system; but he also gave valuable advice on the science and workings of government and politics. Without mentioning specifically the past campaign, he clearly showed that it was this development that had called forth his comments. Government in America was a departure from simple democracy where the people acted in the first instance, but it was nevertheless "government of the people, instituted for their benefit, and essentially dependent on their will." The beauty of the American system was that the final and deliberate will of the people always carried, while momentary passions and prejudices were prevented from destroying the fabric. "It is true," he said, "that every excitement of popular feeling and passion is not to be considered the will of the community; but the deliberate sense of the people cannot, ought not, to be resisted. The American statesmen, who have formed our system of government, warned by the fate of the tumultuous democracies of antiquity long since buried beneath the despotism of the old world, have wisely constructed the vessel of state so as to prevent its being driven by every popular blast from its proper course, by interposing checks and balances, to stay the intemperance and rashness of the moment, and to give time for sober reason of the community to be exercised. To protect the weak against the strong, the minority against the majority, and to secure all and every one against violence, injustice and oppression, the people in their highest sovereign character assembled in convention for that special purpose, have by a written constitution established certain rules and principles, and barriers, they have solemnly pledged their faith to each other to observe inviolable, until the constitution itself shall be altered or abolished." The three departments of government were so dexterously arranged and balanced among each other, that no single branch could gain complete ascendancy. "These several bodies of magistracy are so many pillars or corner stones of the temple of freedom, the constitutional strength and independence of each one of which are essential to its preservation." They were protections against sudden bursts of unreasoning passion. "Every man who will examine himself, must confess that he is often led by passion and prejudice into errors the most gross and extravagant; we acknowledge too that

<sup>28</sup> *Lafayette to the People*, 50, 51.

neighborhoods, counties, and nations are liable to err for a moment, from the same cause. If every impulse of any community was to be carried into full effect, there would be in such a state, neither confidence nor safety."

A despotism, he declared, need not rest in one person in order to exist; and as Jefferson said, the concentrating of all power of government into the same hands was precisely the definition of a despotic government—173 despots would be as oppressive as one. It was not an elective despotism that Americans fought for in the Revolution; but rather for a government where the departments were so balanced among themselves as that no one could transcend its limits without being checked by another. Slaughter intimated that the personal distressing uproar among the people was due in part to their inability or refusal to understand the principles on which American liberties were based. From this angle he approached his recommendations for a school system: "When we reflect how much the very existence of our government depends on the virtue and intelligence of the people, and for how many ages the friends of freedom, and human happiness have been struggling to devise some form of government alike secure against tyranny and anarchy, how indispensable is it to diffuse information, and qualify those who are to succeed us, to understand the plan and principles of government, furnished us by our revolutionary sages. Without intelligence the people never can be safe against the delusions to which they are exposed from the violence of party spirit, and the arts and intrigues of designing ambition."

Again he called upon his fellow citizens to abate their party violence and differences. Discord should have no place in a system of equal rights and equal justice. Mindful of the so-called "Era of Good Feeling," elusive and ephemeral as it was, that was apparent in President Monroe's administration, Slaughter reminded his fellow Kentuckians that "Every honest and liberal man must rejoice at the prospect of a political jubilee, in the deliverance from the despotism of party names and feuds, which have so long distracted the public councils, and poisoned social intercourse." Let Kentuckians remember that the United States was the only republic on the globe "and that a union among ourselves is necessary to insure success to our system. Let us therefore obliterate party spirit and unite our efforts to give strength and maturity to our republican institutions." True enough there must be differences of opinion on all great questions but that should not be made a ground "for eternal proscription or party division." Shall reasoning men, citizens of a free state, "be divided by the mere magic of unmeaning names and terms?" A party organized under any particular name merely for party or personal objects is dangerous in our republic, and its spirit is despotism. In order to observe the accountability of public men, a fundamental principle of a free government, it is necessary that the people should be in a situation to pass an impartial judgment upon public measures, and the conduct of public men."<sup>29</sup> Again Slaughter was charged with merely attempting to allay criticism against himself by calling for a cessation of party spirit.

Immediately the Legislature began the chief work it considered itself elected to perform. A bill was introduced providing for a new gubernatorial election and was soon rushed through the House by a vote of fifty-six to thirty. The Senate, only one-fourth of which had been elected in the preceding August, debated the measure with much spirit and then defeated it by a vote of eighteen to fourteen.<sup>30</sup> The Senate had long been the most effective conservative force in the government,

<sup>29</sup> A copy of Slaughter's message may be found in *Niles' Register* Vol. 13, pp. 386-389; also see *Kentucky Gazette*, December 13, 1817.

<sup>30</sup> Robertson, *Scrap Book*, 1-3; *Kentucky Gazette*, December 17, 1817; *Niles' Register*, Vol. 13, 321 gives the yeas and nays.

and it had often been bitterly assailed because it had cheated the people of their momentary whims. In the present crisis it had sought to find a solution by advocating a constitutional convention to define more clearly the manner of the gubernatorial succession. This bill actually passed the Senate by a vote of twenty to twelve; it was, however, assailed by the new election forces as a move made by that body to allay the opposition to Slaughter and save him, for it was argued that before a constitutional convention could be called and anything accomplished by it, Slaughter would have served out the four year period.<sup>31</sup>

The high tide of popular passion had all but succeeded; and thanks were due to the Senate alone that it had been defeated. The only concession to the popular feeling against Slaughter that was ever secured was the title given him. In all official documents and communications of the Legislature, he was referred to as "Lieutenant Governor and Acting Governor." Nothing else was left to the people except resignation to their fate, which gave them Slaughter for a governor. The editor of the *Argus* said, "We shall, therefore, quietly submit to our present rulers in the executive department for two years more, as becomes good republicans, confidently trusting, that the people will then put the reins into abler hands."<sup>32</sup> Seeing the futility of further agitation in this political heresy, the people soon forgot the evils and disadvantages of living under a governor whom they did not elect or want. In the elections of August, 1818, the question was hardly mentioned; in fact many of the Slaughter opponents were willing to forgive and forget. But it was not so with the Slaughter supporters. They had been villified and maligned as federalists and tories, and they were not disposed to unite or associate with their erstwhile accusers.<sup>33</sup>

But the political wounds that had been inflicted on the body politic were not deep or lasting. Old election and new election divisions were soon forgotten; they represented no permanent interests on which parties could be built. But they did point with great force to a condition in the make-up of the public mind and conscience which might develop new divisions on new subjects but along the self-same old lines of intensive popular passions fed on the old heresies that the will of the majority is supreme and transcendent and of reasoning conservatism guided by fixed rules which should control until changed by a method previously agreed upon. The final contest between these two opposing forces was not abandoned; it was destined to soon break out with great vigor for a final decision.

<sup>31</sup> *Kentucky Gazette*, December 13, 1817.

<sup>32</sup> Quoted in *Public Advertiser*, August 18, 1818.

<sup>33</sup> See communication to *Public Advertiser*, September 1, 1818.

## CHAPTER XLVIII

### SPECULATION—BANK MANIA—AND HARD TIMES

The intrepid spirit and vigorous energy that had carried the state forward so successfully in fighting the late war, was not lost when peace came. It was merely transferred from the fields of warfare to the fields of industry. The people had never despaired of victory in their gloomiest defeats, for they were fighting for a union they loved. As strong and unalloyed as their patriotism was, still it was assisted by the economic prosperity that was accompanying the struggle. A traveller from Boston, who visited Lexington in 1813, after praising in unstinted terms the loyalty and boundless patriotism of the people, said that the war was after all "making the greater portion of them rich," and that to this "you may attribute a part of their patriotism, although to do them justice, they are the most patriotic people I have ever seen or heard of."<sup>1</sup> The state furnished a considerable amount of powder used in the Western campaigns, and other munitions of war and food products were obtained here for the army.<sup>2</sup> The output of nitre was far beyond that of any other state. In 1812, 301,937 pounds was produced, as compared to the next two highest states, Virginia with 48,175 pounds and Massachusetts with 23,600 pounds.<sup>3</sup>

This industrial activity which had existed before the war, but which had been stimulated by it, remained after peace was declared and was intensified. As noted, the quality of leadership and daring initiative, which had been so prominently displayed during the war, were now turned into the pursuits of peace. Progress in agriculture was evident on all sides with the varied crops that indicated a sound and lasting prosperity. Instead of basing her prosperity on one product as most of the other Southern states were coming to do, Kentucky had at least two major money crops, tobacco and hemp, and numerous minor products as wheat, rye, maize, oats, barley, buckwheat, flax, and Irish potatoes, together with such fruits as apples, pears, peaches, cherries and plums.<sup>4</sup> A river commerce with New Orleans and the South had existed since the days of James Wilkinson and his tobacco trade, and was now on the verge of developing undreamed-of proportions with the coming of the steamboats. Emigrants were still finding many attractions in the state, despite the virgin lands to the north and west. There was yet much unappropriated land in the state and within a few years the Chickasaws were destined to cede their lands east of the Mississippi, which included the portion of the state west of the Tennessee River. This treaty of cession was concluded in 1818, by Andrew Jackson and Isaac Shelby on the part of the United States.<sup>5</sup> The settlement of this region was so rapid that

<sup>1</sup> *Niles' Register*, Vol. 8, Supplement, p. 178.

<sup>2</sup> McMaster, *History of the People of the United States*, III, 557.

<sup>3</sup> *Niles' Register*, Vol. 2, p. 227.

<sup>4</sup> For an economic description of Kentucky at this time, see William Darby, *The Emigrant's Guide to the Western and Southwestern States and Territories* (New York, 1818), 205-208.

<sup>5</sup> See *Indian Treaties and Laws and Regulations Relating to Indian Affairs* (Washington, 1826), 184-187.

within five years after the land had been opened, four counties of the eight that now constitute it, were laid off.<sup>6</sup>

Outside of this so-called Jackson Purchase, however, the state had no great amount of land that equalled the rich Blue Grass regions. An "Emigrant's Guide," published in 1818 said, "Kentucky has passed the era of rapid increase from emigration. The best lands are sold and have become expensive." However, with characteristic Western optimism it stated that "The state will continue to possess the advantage of its local position; and when the population of the western preponderate over the eastern and northern states, the seat of general government will probably be removed into this central state."<sup>7</sup> The older portions of the state and especially the Blue Grass area had developed into a respectable landed aristocracy. A description of the country lying immediately around Lexington states that "The farms in the neighborhood are well cultivated, and the farmers are generally rich and opulent, and many of them have coaches and carriages, made at Lexington, that cost one thousand dollars."<sup>8</sup>

Manufactories were progressing with the promise that had set them going so strongly a decade earlier. Almost every town had its industries, active and thriving.<sup>9</sup> Embargoes, non-importation acts, and war itself, had, all, operated in favor of the manufacturing industries. British goods and all others were kept out with the home field free to America only. Isaac Shelby in his last message to the Legislature believed "We should extend the fostering care of government to our infant manufactures."<sup>10</sup> But there was a stimulus to industry and to the level of prices that was unsubstantial and dangerous. Specie money had become scarce during the period of the war, and specie payment had finally been suspended, for a time. A certain amount of paper money issued by various state banks soon appeared to take its place. One of the very first results was the depreciation of it, and the consequent rise in prices. It became easy to obtain credit, and a period of speculation soon set in. The price of land rapidly advanced as speculators and the land-hungry with plenty of money became active. It was stated by one authority that "Land is as dear around Lexington as it is in the oldest settlement on the seaboard, whole farms have sold for \$100 an acre; and small parcels for a far greater sum; town lots are exorbitantly high."<sup>11</sup> In speaking of Lexington, another authority stated that "It is with delight we note the great prosperity and rapidly rising importance of the future metropolis of the West; where *town lots* sell nearly as high as in Boston, New York, Philadelphia or Baltimore, which shows that it is not a place in the *wilderness*, as some people suppose it to be!"<sup>12</sup> This booming condition of town lots was not peculiar to Lexington. During the same period, land sold in the corporate limits of Louisville for \$30,000 an acre.<sup>13</sup> Speculators aided by a cheap and easy currency were responsible in a large measure for these high prices. And at this time the situation

<sup>6</sup> These counties in the order of their formation were Hickman, 1821, Calloway, 1822, Graves, 1823, and McCracken, 1824.

<sup>7</sup> Darby, *Emigrant's Guide*, 207. It states further, "It will be seen by a review of the several states and territories, given in this treatise, that as in any new settlement, the best lands and those near navigable water-courses are transferred to private individuals, the flood of migration must begin to subside. From this sole cause arises the less comparative increase of inhabitants, in periods distant from the original settlement. Tennessee, Kentucky, and indeed all establishments on the valley of Ohio, are examples." *Ibid.*

<sup>8</sup> *Niles' Register*, Vol. 7, p. 340.

<sup>9</sup> Brown, *Gazetteer*, 91-106.

<sup>10</sup> *Niles' Register*, Vol. 9, p. 319.

<sup>11</sup> Brown, *Gazetteer*, 94, 95.

<sup>12</sup> *Niles' Register*, Vol. 7, p. 340.

<sup>13</sup> John Bradbury, "Travels in the Interior of America in the Years 1809, 1810, and 1811" in Thwaites, *Early Western Travels*, V, 320.



that was growing up was being strongly deprecated by some. An account of the day declared, "The monster *speculation*, has fixed his eager grasp on some of the best tracts of land, to the great injury of the state, and with flagrant injustice to the poor. I must confess I felt indignant, when, after passing an extensive and fertile tract of beautiful land, of many thousand acres, and surrounded by rich and flourishing settlements, I enquired the cause why it was not settled, and received for answer, that it belonged to a rich gentleman in Virginia, or to some other opulent, non-resident land-jobber, who would not sell it for less than \$30 an acre."<sup>14</sup>

This movement carried with it a corresponding rise in prices along other lines. Farm products and labor commanded heretofore unheard-of prices, with sufficient amounts of the latter impossible to obtain at any price. Common wool sold at 50c the pound, while the best grades of Merino sold for \$2.00. Hemp was \$80 the ton and flax \$15 the hundred pounds. There was a great scarcity of artisans "of all classes, especially smiths, carpenters and joiners, brick makers and layers, painters and glaziers, cotton and wool machine makers, fullers and clothiers, upholsterers, &c."<sup>15</sup>

Immediately on the conclusion of peace, England started for America the immense surplus of her manufactured articles that had been accumulating for years past, bent upon disposing of them by any method possible and at any price. As a result of this systematic campaign for a market, American merchants were led by long credit and easy payments to greatly over-stock themselves with English goods. A lawyer, who came to Kentucky in 1818, said that "almost every man who was able to buy for money or on credit, was clothed with European fabrics. \* \* \*"<sup>16</sup> The mania for buying English-made goods was, perhaps more widespread in Kentucky than in any other state, and lasted longer, greatly to the detriment of the home manufactures. Hezekiah Niles gave a graphic description of the course of events here: "Thousands of persons forsook their *farms* and their *workshops* to become *merchants*. Whoever could raise a few hundred dollars in cash, hastened to expend it in the eastern cities, as well as to exhaust all the credit that he could obtain, in ill-advised purchases of *foreign* goods. These were hurried into the interior with as much promptitude as if every day's delay on the road was the loss of a little fortune—and so the cost of transportation was doubled, to be added to the originally imprudent expenditure. As the goods were bought on credit, they could be sold on credit—and who would wear an old coat when he could so easily obtain a new one at the 'store?'—he could get credit, and pay 'when convenient.' The hum of the spinning wheel was banished from the evening's fireside, and the sound of the shuttle no longer disturbed *speculative* minds. There was a plenty of everything, because there was a plenty of credit! The *needless* debts thus created amounted to millions."<sup>17</sup> A committee of the Legislature characterized the situation in the statement that "a vast amount of eastern debt had been created soon after the close of the late war, by extraordinary importations of merchandise. \* \* \*"<sup>18</sup>

Going with this speculation and boom times was a constant draining away of the always meager amounts of specie to be found in the state. Paper notes of doubtful value were floating around, but instead of aiding trade and ministering to prosperity, they were a distinct hindrance. The

<sup>14</sup> Brown, *Gazetteer*, III, 112.

<sup>15</sup> Niles' *Register*, Vol. 7, pp. 339, 340.

<sup>16</sup> *Ibid.*, Vol. 23, p. 258.

<sup>17</sup> Niles' *Register*, Vol. 28, p. 81.

<sup>18</sup> *Ibid.*, Vol. 23, p. 235. Governor Desha in his message to the Legislature in October, 1821, said, "Successful industry laid the foundation of unlimited credit, and impatient cravings for excessible gain, precipitated the adventurous into [in]discriminate speculation." *Ibid.*, Vol. 21, 185.

Bank of Kentucky with its branches was refusing to redeem its notes in specie, giving as an excuse that the rest of the western country and as far as it could determine, many of the eastern states were still suspending specie payment, and, that therefore, it would be manifestly unfair and ruinous for it alone to pay out its gold and silver.<sup>19</sup> To relieve the country from the confused and ruinous state of the currency everywhere, due to the almost worthless paper money of numerous state banks, Congress established in 1816, the Second Bank of the United States, and early in 1817 established two branches in Kentucky, one in Lexington and the other in Louisville. By issuing a uniform currency throughout the United States, it was hoped that the dangerous situation everywhere would be speedily relieved. As was stated by Governor Adair, "The depreciated currency of the states was regarded as an evil of dangerous tendency—and the more so, as it was one which the states could not speedily eradicate. A national bank, with a capital sufficient to furnish a national currency, was proposed and adopted as a prompt and efficient remedy."<sup>20</sup>

But the operation of the United States Bank and its branches had the direct effect of forcing out of circulation the notes of those banks which could not redeem them in specie, and instead of increasing the circulating medium virtually destroyed it, poor as it was. And the safe currency issued by the United States Bank, in the providing of which was seen one of the important reasons for the establishing of the bank, was entirely inadequate. Governor Adair inquired, "Has it answered the proposed end? Does it afford a circulating medium for the union? Whilst it crushes beneath its ponderous weight, every feeble corporation, and displaces the notes of the specie paying banks within the sphere of its operations, are its notes anywhere to be found except in the great emporiums of trade, or in discharging the silent and impoverishing operations of exchange?"<sup>21</sup> The branches also served to drain from the state the remaining specie. As a legislative committee declared, "These powerful institutions immediately opened the arteries of the country through which our precious metals flowed in an unremitting stream."<sup>22</sup>

Relief was soon demanded by the people throughout the state. They not only needed money for the ordinary transactions of business; but the time to pay for the numerous purchases made directly following the late war, and to redeem many mortgages and notes was at hand. The more money in existence, the easier it would be to obtain it and, therefore, the easier to pay debts. There had long been a lively desire on the part of many to engage in the banking business, chiefly for the gains to be made from the issuing of notes. As heretofore stated, a law had been passed against private banking. Legalized banking was largely taken care of by the Bank of Kentucky and its branches. But this did not prevent frequent attempts of private businesses to secure banking privileges in their charters of incorporation. Such efforts were not actuated wholly by the primary gains through banking but by the feeling that the banking facilities of the state were not sufficient. In 1814, a group of Lexington

<sup>19</sup> Robert Alexander, President of the Bank of Kentucky, wrote on January 5, 1817, William H. Crawford, Secretary of the Treasury, "but, however, anxious we may be to see the legal currency of the United States restored to circulation, and however desirous of promoting its accomplishments, you must be sensible, as well as ourselves, that our single efforts would be worse than unavailing; they would be ruinous to ourselves and useless to the community. I am directed to inform you that as soon as the adoption of this measure by a sufficient number of banks in the eastern states shall render it safe for the Bank of Kentucky, that bank and its branches will resume the payment of specie." *American State Papers, Finance*, IV, 708.

<sup>20</sup> In message to Legislature October 16, 1821 in *Niles' Register*, Vol. 21, p. 185.

<sup>21</sup> In message to Legislature October 16, 1821 in *Niles' Register*, Vol. 21, p. 185.

<sup>22</sup> *Niles' Register*, Vol. 23, p. 234.

business men sought to obtain a charter of incorporation from the Legislature for the double purpose of manufacturing and banking. The capital was to be \$1,000,000 of which two-fifths was to be used for manufacturing purposes and the remainder for banking.<sup>23</sup> Even before the baleful effects of the saturnalia of extravagance made easy by long credit were apparent, efforts were becoming more persistent and more widespread for additional banks. Politics and sectional considerations were beginning to appear to sorely beset the state in controlling where economic laws and reason should have been paramount. In 1815, a movement in the Green River region had started for more banks, and for banks to be located in that section. They also had the feeling that the Bank of Kentucky was becoming too powerful and that it was exercising its power in an unbecoming way in the Legislature. As a remedy, it would have a rival bank set up.<sup>24</sup> This growing hostility to the Bank of Kentucky, and increasing tendency to make banks footballs of politics, was echoed in a speech by a member of the legislature in 1815, when a bill was up for increasing the capital of the Bank of Kentucky. He stated that "If this bill be passed, there is no further use for us here; the directors of the State bank, and not we, the representatives of the people will be the legislators of the state—a monied aristocracy will govern every thing."<sup>25</sup>

With a smouldering and at time active hostility to the Bank of Kentucky, coupled with the fact that this institution did not supply sufficient amounts of circulating medium, the time was becoming ripe for more banks and more money. Hezekiah Niles summed it up thus, "In this state of things, it was found out that the *whole difficulty* was caused by the want of money! A 'circulating medium' was required. Banks must be established—and there was nothing wanting for them but acts of incorporations and paper mills!"<sup>26</sup> The forces intent on more money were let loose in the 1817-1818 session of the Legislature, and with such fury that in January of 1818, an act was passed after strong opposition, which provided for the chartering of forty-six independent banks with an aggregate capitalization of \$8,720,000. These banks were scattered over the state for the direct purpose of ministering to the monetary wants of the people according to sections and needs. The capital stock varied from \$1,000,000 in Lexington and Louisville to \$100,000 in Lebanon, Mount Sterling and twenty-one other towns of this class.<sup>27</sup> Notes might be issued to the amount of not over three times the capital stock less indebtedness. Thus, at one throw, there was let loose on the state, institutions that had permission to grind out over \$26,000,000 in bank notes—an amount equal almost to a third of the total valuation of property in the state in 1815. No one could now reproach the state for not providing money in sufficient quantities to pay all debts that had been contracted. Not only would such a gigantic and unheard of inflation of money tend to the complete upset of all legitimate business in time, but the money itself, over and beyond the militating effect of the quantity, was not to be

<sup>23</sup> *Crittenden MSS.*, Vol. 2, No. 278. This is the correspondence of John J. Crittenden in the Manuscripts Division of the Library of Congress at Washington. Letter from John Breathitt to Crittenden January 22, 1814.

<sup>24</sup> *Kentucky Gazette*, September 25, 1815.

<sup>25</sup> *Ibid.*, October 2, 1815.

<sup>26</sup> *Niles' Register*, Vol. 28, p. 81.

<sup>27</sup> The location and capital of the banks follows: Lexington and Louisville, \$1,000,000; Frankfort, \$500,000; Bowling Green, Georgetown, Maysville, and Paris, \$300,000; Bardstown, Glasgow, Hopkinsville, Newport, Russellville, Richmond, Shelbyville, Versailles, and Winchester, \$200,000; Danville, Flemingsburg, Harrodsburg, Henderson, Springfield, and Stanford, \$150,000; Cynthiana, \$120,000; and Augusta, Barbourville, Burksville, Burlington, Carlisle, Columbia, Elizabethtown, Greensburg, Greenville, Hardinsburg, Lancaster, Lebanon, Millersburg, Monticello, Morgantown, Mount Sterling, New Castle, Nicholasville, Owingsville, Petersburg, Port William, Shepherdsville, and Somerest, \$100,000.

redeemed in specie but rather in the notes of the Bank of Kentucky or of the United States Bank.<sup>28</sup>

The conservative sound money men attacked this action as equivalent to a raid on the prosperity of the state. A Kentuckian wrote John J. Crittenden a few days after the act had been passed that it was highly problematical whether any ultimate good could come out of these banks. He was sure that this legislation would "afford facilities to commerce and increase the nominal value of real estate; but that it will deluge the state with too much paper money, increase the thirst for speculation, which is already too eager in our country and involve many of our most useful and enterprising citizens in ruin and bankruptcy, [I] entertain the most fearful apprehensions."<sup>29</sup> Robert Wickliffe was severe in his condemnation: "By the grant of these forty-eight charters, you emphatically granted away the suffrage of the people, and laid the foundation of a tyranny as corrupt as it was strong. Sir, I wish to be understood—I say that the tyranny which you founded with these banks, was as corrupt as it was burthensome, and that the extent of its corruption was only ascertainable by its duration."<sup>30</sup>

The state, indeed, was sorely beset by the banks. Including the Bank of Kentucky with its branches and the two branch banks of the Bank of the United States, there were in all fifty-nine such institutions in the state. In some of the towns where the independent banks were set up, there were not a hundred people, as for instance in Greenville and Barbourville. In at least eight there were less than two hundred souls. It was estimated by one authority that it would require 826 officers to run the banks, dispersed as follows: 59 presidents, 59 cashiers, and 708 directors and that the salaries of the officers of each bank added to the other expenses of the establishment would average \$9,000. To this, would he add the salaries of fifty-nine notaries "to protest notes" at \$200 salary each, and in all there would result a total of \$552,800 for expenses. "And," he declared, "*five hundred and fifty-two thousand eight hundred dollars* are to be paid by the *laboring* classes of that state every year, for services that will not add *one cent per annum* to the wealth of the country." Counting in the additional expenses the state would undergo in the inevitable depreciation of the currency, he said "From the whole it appears that the banking system in the state may cost the people nearly *two million per ann.*; and which must be exclusively paid, in the ultimate, by those who labor, for they only create any value."<sup>31</sup>

The printing presses were soon set to work producing volumes of crisp new paper notes, causing the eyes of many a debtor to sparkle as he beheld the miracle money. The banks were truly the institutions designed to make the poor rich, so why should not all hasten to get in debt for only in that way could they become rich and escape the ruin that came with old debts. The (Louisville) *Public Advertiser* said: "We are *now*, it seems, to become wealthy by manufacturing paper money. Our wise legislators have authorized the issuing of *paper on paper*; but in this, as in the other instance, they appear to have been ignorant or regardless of future consequences—of the miseries and perplexities they were entailing upon their constituents."<sup>32</sup> Large volumes of this money

<sup>28</sup> *Acts of Kentucky, 1817*; John C. Doolan, "The Old Court—New Court Controversy" in *The Green Bag*, Vol. 11 (1899), 179; Collins, *History of Kentucky*, I, 28.

<sup>29</sup> Crittenden MSS., Vol. 2, Nos. 189, 190. Letter from J. H. Todd February 4, 1818.

<sup>30</sup> *Lafayette to the People*, 53. (Pamphlet written by a Kentuckian under name of "Lafayette.")

<sup>31</sup> *Niles' Register*, Vol. 14, pp. 109, 110.

<sup>32</sup> July 21, 1818.

were soon flowing from the springs of a half a hundred banks and were being loaned to the thirsty debtors and speculators on doubtful or worthless security. Before the day of payment and repentance came joy was great and the time buoyant. As long as the paper money was flowing outward from the banks, no one had a care; but when the notes were drifting back again and loans were being called in, then confusion resulted in the medium of exchange and distress among the debtors became evident. So lax were the rules regulating the management of the banks and the issuance of notes, and so varied was the degrees of their enforcement that there came to be almost as many values for notes as there were banks. Some remained for a time near par while others depreciated sharply. This state of affairs led the *Kentucky Gazette* to throw out this advice: "It is now extremely difficult to know when safety exists in taking bank paper in the ordinary transactions of life. We would recommend to farmers, and other country gentlemen, who have not an opportunity of witnessing the fluctuations, to be very cautious in receiving money—lest it might remain on their hands as trash."<sup>33</sup>

Professional brokers or "shavers" as they were called sprang up on all sides who afforded specie or money of recognized value and standing in return for the various Kentucky notes, accepting them only at a heavy discount. An observer described the situation thus: "The people called for banks, and banks were made; they loaned money freely, and, for 'a little season,' the oppressed, having, by new credits, paid off some part of their old debts, rejoiced at the 'relief' afforded. A fig for the old-fashioned way of doing business, said they—there is nothing like credit. But this did not last long. The bills of most of the new-made banks would not 'pass'—it was discovered that they were paper—*mere paper*; and then there was the very '*mischief* to pay.' Brokers and shavers jumped up like mushrooms, and they gave 'relief,' out of sheer kindness to a suffering people. They began at 10 per cent discount and ended at 95!—shaving away the greater portion of the little means that were left for the honest payment of debts. The banks, by this time, had obtained judgments—the sheriffs were as busy as 'Old Nick in a gale of wind,' and a general sweep of ruin was threatened. \* \* \*"<sup>34</sup>

These bundles of paper notes soon came to be outlawed in almost every kind of business transaction. The banks themselves lost faith among each other and refused to receive the notes of certain other banks. The branches of the United States Bank in Kentucky refused in most instances to accept the Kentucky bank notes or have any business dealings with the "Forty Thieves" as the independent banks were sometimes called. The butchers of Lexington in a meeting held to protect themselves from worthless paper, decided to refuse any paper money which was not acceptable to the Lexington banks, for they could not use such money in buying cattle.<sup>35</sup> The tavern-keepers and merchants of Frankfort declared they would not receive or give currency to any bills of any bank whatsoever, under the denomination of one dollar, for apart from the stability of the bank, there was the additional danger of the note being counterfeit. In fact not only were small bills counterfeited but larger ones also; and as charged by some this practice was kept up until the cost of counterfeiting became greater than the current value of the note. In this period of rumors and suspicions the people came to lose faith in all banks and the good ones found great difficulty in proving and maintaining their positions. Notices were frequently inserted in the newspapers denying reports that the conditions of certain banks were bad and that their notes were dangerous.<sup>36</sup> Even the notes of the Ken-

<sup>33</sup> July 16, 1819.

<sup>34</sup> *Niles' Register*, Vol. 28, p. 81.

<sup>35</sup> *Kentucky Gazette*, July 16, Aug. 19, 1819.

<sup>36</sup> For instance *Kentucky Gazette*, Sept. 10, 1819.



tucky Insurance Company were refused, an institution which had, although gaining banking privileges by deception, used sound principles in its business. A person returned some of these notes to his creditor in 1818, declaring that "nobody will receive [them] here."<sup>37</sup>

Kentucky was fast becoming the storm center of a world-wide monetary and business disturbance, the Panic of 1819. For various reasons, many of which were not peculiar to this panic but rather common to all, world conditions were out of joint; but it seemed that in Kentucky there had been causes of a local nature almost sufficient to produce a panic. The prices of everything offered for sale came down almost to the vanishing point when compared to the high levels of a few years previously. It was reported in 1820 corn was selling in some parts of the state for 10 cents a bushel and wheat at 20 cents.<sup>38</sup> A traveller stated that land around Lexington and Frankfort was selling for only one-sixth as much as it was bringing a few years earlier.<sup>39</sup> The *Kentucky Gazette* said, "The price of property is exceedingly depressed. Real estate will not sell for one-fourth of its value." An example of the hard times resulting in forced sales was the case of a factory near Lexington costing \$150,000 which with other valuable buildings and about one hundred acres of land was sold for \$21,000—and on credit at that.<sup>40</sup> A writer to the *Kentucky Gazette* gave this further dismal picture of the times: "Slaves which sold some time ago, could command the most ready money, have fallen to an inadequate value. A slave which hires for \$80 or \$100 per annum, may be purchased for \$300 or \$400. A house and lot on Limestone Street, for which \$15,000 had been offered some time past, sold under the officer's hammer, for \$1,300. A house and lot, which I am informed was bought for \$10,000, after \$6,000 had been paid by the purchaser, was sold under a mortgage for \$1,500, leaving the original purchaser (besides his advances) \$3,500 in debt. A number of sales, which excited at the same time astonishment and pity, have occurred in this town. Comparisons of local sufferings should not be indulged in, but I am told that Lexington is less afflicted than almost any part of the state."<sup>41</sup>

With the prices of everything reversed from what obtained a few years earlier, labor conditions speedily changed. Instead of high wages and a scarcity of workmen, now men went begging for jobs. An observer speaking of the Ohio Valley in general said, "Labourers and mechanics are in want of employment. I think I have seen upwards of 1,500 men in quest of work within eleven months past, and many of these declared that they had no money." Governor Adair urged the beginning of important internal improvements at this time, not only because rivers should be made navigable and roads be constructed, but provisions were cheap and labor low—and this would help to solve the unemployment situation.<sup>42</sup> During this period of depression, the state finances were in a healthy state. In 1818 there was a balance in the treasury of over \$17,000, in 1819 nearly \$54,000, and in 1820 about \$70,000.<sup>43</sup>

One of the most important and far-reaching results of the saturnalia of extravagance and speculation with the consequent hard times was the virtual destruction of the thriving manufactories of the state from which

<sup>37</sup> *Breckinridge MSS* (1818). David Castleman to Joseph C. Breckinridge, Jan. 8, 1818.

<sup>38</sup> *Niles' Register*, Vol. 19, p. 16.

<sup>39</sup> Adlard Welby, "A Visit to North America and the English Settlements in Illinois" in Thwaites, *Early Western Travels*, XII, 147-341.

<sup>40</sup> May 7, 1819.

<sup>41</sup> Quoted in *Niles' Register*, Vol. 17, p. 85.

<sup>42</sup> Message of October 16, 1821 in *Niles' Register*, Vol. 21, p. 187.

<sup>43</sup> *Niles' Register*, Vol. 17, p. 340, Vol. 19, p. 176.

recovery was never completely made. Immediately after the war, when England began to dump her immense surpluses of manufactured articles on the American shores, an almost universal cry went up for protection to the infant American industries from the ruinous English competition. As a result the Tariff Act of 1816 was speedily passed. But relief was not instant nor complete. English competition had already done a great amount of harm to the rather unstable manufactures in Kentucky where labor was not concentrated and from which markets were far distant and transportation facilities lacking. These conditions, coupled with the pestilences of the times, was something more than these manufactories could endure. However, heroic efforts were made by the Kentucky captains of industry to save their industrial fabric. In 1817 the "Kentucky Society for the Encouragement of Domestic Manufacture" was organized with the direct purpose of combating foreign importations. It was recommended that every member dress in fabrics of home manufacture as soon as possible. In a short time, the sixty-five members that composed the society appeared in a meeting "in home-manufactured vestures, demonstrative, by their cheapness and elegance." Branches of this society were scattered over the state within a year.<sup>44</sup> For a time the promoters of manufacturing felt buoyant. One of the largest factories in Lexington which had been forced to close down on account of English competition opened up again in 1819.<sup>45</sup> The *Kentucky Gazette* had strong hopes and expectations for a revival. It said, "The spirit and pride of our citizens will not sleep, even amid the agonizing pressure of the times."<sup>46</sup> A paper mill in Barren County reported "good demand" for its product; a bar iron factory in Bath County stated in its report "Condition and demand good;" a cotton yarn factory in Bourbon declared that "Condition never better;" a beer, porter, and ale establishment in Fayette reported conditions "Good;" while a chewing tobacco, cigar, and snuff factory in the same county declared "Demand for chewing tobacco and cigars limited; for snuff good."

But as heretofore noted, the manufacturers were destined to lose, and the story is vividly told in these terse reports: A factory manufacturing bagging for cotton said, "Formerly the bagging establishments were eight in Lexington, in Fayette County, and made 480,000 yards. At present this is the only one, and does but a small business." A Lexington factory manufacturing bridle bits, plated stirrups, and brass and iron castings for machinery stated that it had been "Reduced to four men and \$2,000 for raw materials by foreign importation." A Lexington manufactory of cloths, superfine, and course flannels, blankets, and paper reported, "This establishment is said to be the largest and best supplied with machinery of any in the United States. It ceased operation in 1818 in consequence of foreign importations." A cordage, rope, yarn, twine, and bagging factory reported "Discontinued in 1819," while a coach and chariot factory said it was "Rapidly declining. No demand." Numerous other factories reported that they had discontinued in 1818 and 1819. A mill making flour and meal reported "markets dull," a hat factory said it had "Declined one-half since 1817," and a soap and candle manufactory "Ceased operations in 1816." A factory making "white lead, dry and in oil, floated lead, red lead, litharge, and sugar of lead" reported a "dull demand" and a continued operation only on hopes in the future. A Harrison County factory making thread, shirtings, and plaids declared that "Foreign importations have put down

<sup>44</sup> *Kentucky Gazette*, Aug. 23, 1817, March 27, 1818.

<sup>45</sup> *Kentucky Gazette*, Nov. 26, 1819. This was the large Saunders cotton factory, which now was reopened under the control of Postlethwait, Brand and Company.

<sup>46</sup> Quoted in Commons and Phillips, *Documentary History of American Industrial Society*, II, 301, 302.

this establishment." But foreign importations were not responsible for all failures. A cotton yarn factory in Mercer County stated that "The want of a good circulating medium prevents the full operation of this establishment." Other factories reported sales "particularly in barter." One factory making cotton yarn in the inaccessible regions of the upper Cumberland in Wayne County said, "This establishment, being in the interior of the country and free from foreign importations, does a good business." <sup>47</sup>

Foreign importations and hard times were not solely responsible for the decline of manufacturing. Other causes previously alluded to such as distance from markets, lack of proper transportation, and sparsity of population played their part. Another cause elusive and hard to determine was the presence in the state of the institution of slavery. Immediate as well as ultimate results of this institution were inimical to the development of a successful industrialism. Paradoxical as it may seem, one result of the hard times tended to solve in a very slight degree this very situation. Migrations from the state by well-to-do farmers with their slaves reached at times alarming proportions. Concerning this, Hezekiah Niles said: "Kentucky is a grain-growing state, and feels as much the necessity of a home-market as any other in the nation. By the prostration of her manufacturing establishments and the want of a demand for her products, slave-labor, if ever profitable therein, became unprofitable, and many possessed of such persons emigrated to the cotton-growing states of Louisiana, Mississippi and Alabama, and some to Missouri. The ravages of the 'independent banks,' together with the want of employment, drove off tens of thousands of the laboring classes of white people into Ohio, Indiana, and Illinois. On the whole, it is probable that the account current of emigration, as to this state, is nearly balanced for the last ten years. These things were not to have been expected, and we sincerely regret that they have come to pass. When the government of the United States shall adopt a system of legislation and support and rely upon things at *home*, for home prosperity, Kentucky will again revive, and go on to gather strength rapidly. And, as the black population is pressed south, its place will be supplied by the sinews of every nation, which are its free laborers." <sup>48</sup>

As time went on there appeared little evidence that conditions were becoming better. The people began to look about to discover some person or thing on which to lay the blame for all their woes so sorely besetting them. Many of the sounder and more conservative citizens had long known that the deluge of "paper mills" otherwise referred to as banks was responsible for the hard times, and had been opposing them from the beginning. To the outsider and the casual observer the same cause was held to account for the trials and tribulations of the Kentuckians. An Illinois well-wisher gave a dismal picture of the operations of the independent banks and the results they had produced in the latter state: "It has always been my opinion, that of all evils that can be inflicted upon a free state, banking establishments are the most alarming. They are the vultures that prey upon the vitals of the constitution and rob the body politic of its life blood. Look now at Kentucky! What a spectacle does she present! Nothing is to be seen but a boundless expanse of desolation!—Wealth impoverished, enterprise checked, commerce at a stand, the currency depreciated, all that was promotive of individual wealth, and all that was indicative of state prosperity and advancement, plunged into the great vortex of irremediable involvement.

<sup>47</sup> *American State Papers, Finance*, IV, 178-183, 294-297. These reports were made in 1823.

<sup>48</sup> *Niles' Register*, Vol. 20, p. 49.

"What incentive, now, has the farmer to industry and exertion?"

How fruitless would be the effort of the merchant, to rouse from their torpidity, the fallen energies of the state? A meeting of the Legislature has been loudly and vehemently spoken of, as the only means which can recover it from its death-like stupor. That ruddy complexion and vivid glow, which is the best evidence of the health and vigor of a constitution, and the best indication of the advancement of a state to happiness and refinement (and which once so peculiarly distinguished Kentucky) had faded away, and has been succeeded by a paleness, prognostic of all the terrors of a decline. I may be told that all these consequences may be traced to the wanton profusion and extravagance of our citizens, and the introduction of the habits of luxury. These things, I admit, may have had their due tendency—but the profound and impartial politician, who is aloof from the influence of individual gain, and who has been in the habit of reasoning accurately from the tendency of every political measure to its necessary consequence, will give you a different account. He will refer you to a bank here, and a bank there, and a bank everywhere, and he will read you an instructing lesson upon their policy and expediency, in the devastation which surrounds them.”<sup>49</sup>

The people were indeed reaping the full harvest of their bank and money mania. Warrants, writs, and executions were reported to be almost as common as the bank notes themselves. Should the remedy be still more money, with the hope that conditions might be improved or should the paper age be definitely and forever abandoned. An observer from afar offered this advice: “There will be no peace for the people until the quantity of the banks are reduced, and those that remain are compelled to recollect that they cannot do what they please. The paper age must pass away, and speculation must fail. At present, the command of what passes for money is not in those who hold *property*, but in such as are directors of banks, or who hold shares in them. Real wealth has little to do with the *circulation* of money, at this time, because the priests of Mammon want it for—themselves. We allude chiefly, to the modern money-shops. Many of the old banks are yet highly honorable and eminently useful institutions.”<sup>50</sup> The banks, themselves, were beginning to feel the pinch of hard times. The day of reckoning was coming for them even as for the ordinary debtor throughout the land. The notes which they had been so eagerly printing and calling money were drifting back to their sources again for redemption; and the two branch banks of the United States Bank were steadily assisting this process by presenting for redemption these notes as fast as they came into their possession. Thereby they incurred great enmity which helped the state right feeling soon to develop so vigorously against the Federal Government.

The people soon came to discuss the perils of the times and the remedies that ought to be adopted in dozens of meetings held throughout the state. Almost every county held one or more meetings to take the will of the people and their advice, with the result that the state was agitated as profoundly as by any political campaign for many years. The general opinion of the day was that “those who think that the banks should pay their debts, or shut up shop, like individuals, have a large majority.” It was advised that “Now is the time—‘now or never,’ for the honest people of Kentucky to relieve themselves, for the future, of the evils intended to have been entailed upon them, by the late legislative litter of banks.”<sup>51</sup> Pressure brought to bear upon the independent banks was steadily producing results. They were gradually dropping off and closing their door. It was reported in the summer of 1819 that it was considered unsafe even in Kentucky to receive the notes of more than two

<sup>49</sup> *Niles' Register*, Vol. 17, p. 19.

<sup>50</sup> *Niles' Register*, Vol. 16, p. 180.

<sup>51</sup> *Ibid.*, p. 311.

or three of the independent banks. "Many of them," an account said, "have forfeited their charters, and others are wisely preparing to wind up their affairs. It will require many years of industry and economy to repair the depredation which these institutions have caused in Kentucky—but the severe lesson received, may give future safety to the people. Experience is a dear school."<sup>52</sup> The stockholders of the independent bank designated for Richmond held a meeting in the summer of this same year and decided that it was inexpedient to carry the institution into operation. They voted to withdraw their stocks and dissolve the charter.<sup>53</sup> In August, 1819, sixteen independent banks were reported in the doubtful column with the statement that "Public confidence seems to have been almost entirely withdrawn from the independent banks." The only banks at this time whose notes were receivable by the Lexington banks were the Lancaster Exporting Company, Louisville Commercial Bank, and the independent establishments at Frankfort, Versailles, Bardstown and Flemingsburg. Shortly afterwards two more of the independent banks dropped by the way-side and another announced it would redeem its notes in Bank of Kentucky paper to be payable one year after date. This led Hezekiah Niles, who worked hard to lead Kentucky out of the wilderness of money heresy, to remark that "they may be as legally issued payable at one hundred years hence, as at any other time. Only three of the whole litter of independent banks are said to pay their debts at all."<sup>54</sup> About the same time the stockholders of the bank at Winchester by a vote of 300 to 220 decided to close their affairs and give up their charter.<sup>55</sup>

In the word of a parody of the day:

"But their glory is gone! ev'ry dog has his day—  
 Yet their fame (such as 'tis) shall abide in my songs;  
 Not e'en in the hour when my heart is most gay,  
 Will I cease to remember their *notes* and their wrongs.  
 The stranger in passing each village will say,  
 (As he eyes the sad spot, with hand on his breast)  
 THERE ONCE STOOD A BANK! but unable to pay,  
*It suspended itself*, and thank G—d is at rest."

But regardless of the dishonesty of banks and the precarious position into which they had run, the people of the state were heavily obligated to them. It was conservatively estimated that debts in the state due the various banks were at least \$10,000,000, of which \$5,000,000 was due the Bank of Kentucky and its branches, \$3,000,000 to the two branches of the United States Bank, and \$2,000,000 to the independent banks. Over and above this indebtedness was a balance of about \$4,000,000 due from the merchants to Eastern establishments.<sup>56</sup> The county meetings suggested various remedies. There was expressed almost everywhere the fear that the property of the state would fall into the hands

<sup>52</sup> *Niles' Register*, Vol. 17, p. 84.

<sup>53</sup> *Ibid.*, Vol. 16, p. 311. It was reported about this time that nearly all of the independent banks had stopped. It was also reported how the dishonest officials of a bank sent out an agent with \$30,000 of their notes to exchange them for Tennessee notes or other current paper and a few days later closed their doors. The news account continued, "The agent had passed off most of the paper, and the last account of him was, that those he had swindled were in pursuit of him, determined to intercept him and take the law in their own hands, breathing vengeance for the trick played upon them. Yet the directors who sent out this agent are called honorable men. Verily, verily, Mr. Niles, you have oftentimes told us that corporations have no souls." *Ibid.*, Vol. 17, p. 335.

<sup>54</sup> *Niles' Register*, Vol. 17, p. 139; also see pp. 19, 20.

<sup>55</sup> *Ibid.*, Vol. 16, p. 359.

<sup>56</sup> *Kentucky Gazette*, May 21, 1819; *Niles' Register*, Vol. 16, p. 261.



of a few moneyed men and the great mass of the people become their virtual slaves.<sup>57</sup> Before the end of 1818, while the banks were yet much less than a year old, representatives from ten of them met in Glasgow and unanimously resolved to "recommend to their respective institutions, to suspend the payment of specie, notes on the bank of the United States and its branches, notes on the Bank of Kentucky and its branches, until otherwise ordered by said institutions, or the decision of the legislature." However, a majority of the banks represented refused to ratify these recommendations at that time.<sup>58</sup> In the summer of 1819 the movement for suspension of specie payment gained considerable headway.<sup>59</sup> A meeting of the citizens of Franklin County was held in a church in Frankfort to devise means to avert the "impending distress." The banks were blamed for the hard times and it was recommended that they suspend specie payment at once. This was an immediate palliative, which, however, did not strike the fundamental cause. As a final resort and definite remedy they believed "That a prudent and rigid economy ought to be observed; the consumption of foreign articles of luxury and manufactures diminished; home manufactures encouraged, the annual expenditures of individuals lessened, so as to enable them by industry and frugality to pay off old arrearages without accumulating new debts."<sup>60</sup> A meeting of Bullitt County citizens declared with only two dissenting voices that, "It is confidently believed that the suspension of specie payment by the Bank of Kentucky and its branches, will tend to ameliorate (in a considerable degree) the embarrassments by which the people are at present circumvented; a suspension is therefore recommended."<sup>61</sup>

Counsels were divided on this method of procedure as a remedy. A meeting was held in Washington of Mason County people which passed a long series of resolutions against such a program by the banks.<sup>62</sup> In Jefferson County the voice of the people was taken at three separate times in a systematic way at the election precincts and resulted the last time in a majority of about three to one against suspension.<sup>63</sup> A number of the most important banks met in Frankfort in May, 1819, "for the purpose of taking into consideration the distressed state of the country, and of devising some plan for the relief of the people." It was the opinion of the meeting that "the circulating medium may be increased and considerable relief afforded to the people by a good understanding and co-operation among the said banks, without suspending specie payment." They resolved to "render all the aid in their power to individuals, by loans or otherwise, to avert the public pressure now experienced" and furthermore agreed to "continue to pay their notes in gold and silver."<sup>64</sup> This meeting was of doubtful benefit, as all the banks represented refused to carry into effect the recommendations.<sup>65</sup>

Out of all this agitation of the masses of the people and banks in meetings and assemblies, there stood out three definite programs, viz.: the suspension of specie payment, the issuance of more paper money, and the calling of an extra session of the Legislature. It was widely held that the Legislature should devise ways of relief and that it should meet in an extra session as soon as possible to consider them.<sup>66</sup> It was also

<sup>57</sup> See *Kentucky Gazette*, May 29, 1819.

<sup>58</sup> *Niles' Register*, Vol. 15, pp. 290, 361.

<sup>59</sup> This, of course, concerned the Bank of Kentucky and its branches as the independent banks were not required by their charters to pay their notes in specie.

<sup>60</sup> *Niles' Register*, Vol. 16, pp. 260, 261; Supplement, 16, 17.

<sup>61</sup> *Ibid.*, p. 434; also see p. 421.

<sup>62</sup> *Ibid.*, p. 274; Supplement, 17, 18.

<sup>63</sup> *Ibid.*, p. 434.

<sup>64</sup> *American State Papers, Finance*, IV, 883, 884; *Niles' Register*, Vol. 16, p. 261.

<sup>65</sup> *Niles' Register*, Vol. 16, p. 292.

<sup>66</sup> For instance see *Kentucky Gazette*, June 11, 1819.

generally held that the banks were largely responsible for the crash that had come. A majority would keep banking institutions as a necessary adjunct to the industrial and commercial development of the state, but would make them conform to fixed rules and principles. There were some, however, who unreasoningly took a violent hatred and antipathy to all banks as parasites, reaping where they had not sown, and developing into instruments of tyranny and autocracy. The position of this group was well set forth in a series of resolutions which were introduced in the Legislature in January, 1819. As an example of a remarkable reaction of the mind toward a given set of conditions, they are given here:

"1. *Resolved by the general assembly of the commonwealth of Kentucky*, That the establishment of a monied monopoly, is hostile to republican liberty.

"2. *Resolved*, That banks are such a monopoly, and do not depend for their profits upon the correct employment of the products of industry.

"3. *Resolved*, That as the products of the labor of a nation are the only genuine sources of national wealth, any corporation or institution which tends to substitute speculation, instead of the proper and valuable fruits of this labor, must be pernicious and ought to be abolished.

"4. *Resolved*, That any corporation not promotive of, or essential to, public good ought not to exist.

"5. *Resolved*, That all banks wherein individuals are interested, are monied monopolies, tending to make profit to those who do not labor, out of the means of those who do; not tending to increase the means of industry, but to profit of those means unjustly; tending to tax the many for the benefit of a few; tending to create a privileged order, unuseful and pernicious to society; tending to destroy liberty and create a power unfriendly to human happiness; tending inevitably to an unfeeling monied aristocracy more to be deprecated than monarchy itself; tending to the destruction of the best hopes of man here and hereafter.

"6. *Resolved*, That it becomes the duty of the general government, and of every individual state composing it (gradually if necessary, but ultimately and certainly) to abolish all banks and monied monopolies, and if a paper medium is necessary, to substitute the impartial and disinterested medium of the credit of the nation or of the states.

"7. *Resolved*, That copies of the foregoing resolutions be transmitted by the acting governor of this state to the President of the United States, and to each of the senators and representatives in congress from this state, as an evidence of the sense of the people of this state, to be submitted to congress."<sup>67</sup> These resolutions represented the opinion of a considerable body of citizens, men of conservative thought. In fact it was an extreme reaction of this class. Governor Slaughter went so far as to advocate an amendment to the United States Constitution making it unlawful for any incorporated bank to exist within the nation's limits; for, he argued, money was power and when collected within a few hands, and those of private persons, it would be used tyrannically.<sup>68</sup>

Efforts had already been made to amend the law incorporating the independent banks in order to make the president and directors of the banks liable out of their individual estates for all bills issued after a certain designated time and all stockholders also liable to the amount of their individual holdings. A bill introduced in the Legislature and embracing these principles was introduced in the early part of 1819, but failed to pass. At the next meeting of the Legislature, in the latter part of this year, Governor Slaughter recommended the same amendments. But the feelings against the independent banks had become so strong throughout the state as well as among the members of the Legislature,

<sup>67</sup> *Niles' Register*, Vol. 15, p. 417.

<sup>68</sup> *Public Advertiser*, Dec. 15, 1818.

that instead of amending the law, it was repealed. This happened on February 10, 1820. Thus, was the question of the independent banks now and forever settled.<sup>69</sup> There still remained the Bank of Kentucky with its thirteen branches and the two branches of the United States Bank. The former institution had been managed with care and conservatism; and had, thus, not abused banking privileges. Therefore, the Legislature, instead of repealing its charter, extended it to 1841. The relatively sound state of this bank at this time appears in the following facts: Its capital stock amounted to \$2,726,100 of which the state owned \$586,400. Its notes in circulation were \$666,422.56 face value, and its specie on hand was \$270,325.53. The widespread obligations it held on the people amounted to nearly three and a half million dollars.<sup>70</sup> But conditions in the state were far from solved or settled; the repeal of the charters of the independent banks did not give the people money with which to pay their debts, nor a circulating medium in which the people could have faith. The Bank of Kentucky suspended specie payment about this time, thereby risking the loss of its charter. They hoped, however, to receive the sanction of the Legislature. To this body the banks as well as the people were not looking for salvation.

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<sup>69</sup> Doolan, "Old Court—New Court Controversy" in *Green Bag*, XI, 180; Collins, *History of Kentucky*, I, 29.

<sup>70</sup> *Niles' Register*, Vol. 17, p. 448.

## CHAPTER XLIX

### REPLEVIN LAWS AND RELIEF: THE BANK OF THE COMMONWEALTH

By the action of the last Legislature the supply of money, worthless as it was, was sharply curtailed by the destruction of the independent banks. This procedure was, therefore, a step apparently away from the relief of debtors, for without money how could they be expected to pay their debts? But it was through a general popular clamor that the Legislature had so acted; the people had seen that institutions like the independent banks were worse than useless. The steady march of hard times was unimpeded, debts were falling due, property was being sold in fulfillment of mortgage obligations, and it looked as if the great mass of the people would, indeed, become the slaves and bondsmen of the moneyed class. "An Old Resident" pessimistically pictured the situation of many an individual: "He must be taken by order of the relentless creditor and shut up in prison, until he pays the uttermost farthing, or give up his little hard earned property to be sacrificed, at perhaps one fiftieth part of its real intrinsic value, leave his helpless family to suffer with hunger, cold and nakedness, and finally take the oath of insolvency. Nine tenths of his creditors yet unpaid, he loses all hope of ever being able to discharge his just debts, and his family ruined. He languishes, takes to drink, and dies at a miserable death."<sup>1</sup> The day of reckoning seemed to be fast approaching, when the logical results of promiscuous borrowing and consequent speculation would come home to many Kentuckians, who a few years before had held out visions of great wealth. The woes of the people were set forth by a pamphlet of the times: "The course of business was disorganized, creditors became clamorous and more pressing, and the dockets of our courts were choked full with suits and executions.

"Lawyers, clerks, sheriffs, constables made great crops; but the most of their stocks did not grow big, the most of those of the people were diminished.

"Agriculture, commerce, and all sorts of acts were discouraged; shaving did raise its hideous head, and you could not hear of anything but misery."<sup>2</sup>

It was, therefore, only natural that the people should turn to a remedy which had been used by themselves and other people often times before, a remedy which, if it did not finally avert the evil days, would postpone them and give time a chance to work out a solution. Replevin and stay laws were now embraced again. The legislation of the state in the past along these lines had left a feeling among the people that as a last resort, laws should be made to interfere in the relations of debtor and creditor when the public good as they understood it should warrant it. This development had made a dangerous weapon respectable with far too large a number of people and had left them to believe that the

<sup>1</sup> *Kentucky Gazette*, May 21, 1819.

<sup>2</sup> *Considerations on Some of the Matters to be voted on \* \* \* at the Next Session of the General Assembly of Kentucky. \* \* \** (Louisville, 1824), Pamphlet, p. 8.

principle could be almost indefinitely extended under extraordinary circumstances. While Kentucky was yet a district of Virginia she had seen the mother state use the very same principle which she, herself, was now about to adopt in a rather aggravated form. And one of the first laws passed by the daughter, the willing pupil of the mother in this respect, provided that in the case where land was under execution in the payment of a debt, if the price offered did not amount to three-fourths of the estimated value, the defendant might replevy the debt for three months by giving good security to pay it at the end of that time.<sup>3</sup> In 1808, the debtors were relieved from immediate executions on their property by a law which allowed a stay of one year, upon the defendant giving bond or good security to pay the debt within the year, and upon his failure to give bond or security the sale was to take place immediately on a year's credit.<sup>4</sup> Near the end of the War of 1812, when much money of doubtful value was floating over the state and creditors were loath to accept it, the Legislature in order to stabilize and give confidence to the notes of the Bank of Kentucky as well as to offer aid to the debtors, passed a law allowing twelve months replevin on all executions unless notes of the Bank of Kentucky would be accepted.<sup>5</sup> Thus it was that the legislative history of the state was punctuated throughout with debtor laws—and, indeed, the operation or influence of these laws had never been completely eradicated at any time. Her statesmen, eminent lawyers, judges of the highest courts, and the masses of the people had upheld the principle.

The campaign for the election of a legislature in 1819 had raged for the most part around the question of enacting replevin laws. The opposition was spirited but restricted; the relief supporters won an overwhelming victory. This Legislature, the same that repealed the independent bank charters, busied itself with relief measures among its first labors. Before even destroying the discredited banks it passed an emergency replevin law to tide over the debtors until a well-designed law could be formulated. On December 16, 1819, it passed a law granting a stay of sixty days on all executions. Governor Slaughter refused to sign the measure on the ground that the permanent welfare of the state should not be endangered by the delay or denial of complete justice. But the Legislature promptly passed the bill over his veto, and it became the law of the land. Leave was also given to bring in a bill to make void any execution made in favor of the United States Bank, an institution which had already aroused the bitterest hostility from Kentuckians.<sup>6</sup> On February 11, 1820, the day after the independent banks had been destroyed, the finished replevin law was enacted. This carried the principle far beyond any law heretofore passed and laid the beginnings of a train of consequences that was destined to shake the political and economic foundations of the state to their very center. Hereafter when any execution should issue from any court in the state, from the justice of the peace to the Court of Appeals, the plaintiff might endorse the bill, by writing on it the words, "Notes of the Bank of Kentucky or its branches will be accepted in discharge of this execution," whereupon twelve months' stay would be allowed on the debt; but should the plaintiff refuse to endorse the note, the defendant might replevy for two years.<sup>7</sup> The effect of this Legislature was to delay the payment of all debts at

<sup>3</sup> This law was passed in 1792. Marshall, *History of Kentucky*, II, 71, 72.

<sup>4</sup> *Ibid.*, 464.

<sup>5</sup> Doolan, "Old Court—New Court Controversy" in *Green Bag*, XI, 178, 179.

<sup>6</sup> Doolan, "Old Court—New Court Controversy" in *Green Bag*, XI, 180; *Niles' Register*, Vol. 17, p. 365; McMaster, *History of the People of the United States*, IV, 508.

<sup>7</sup> Doolan, "Old Court—New Court Controversy" in *Green Bag*, XI, 180; McMaster, *History of the People of the United States*, IV, 508.



least one year and to bolster up the notes of the Bank of Kentucky and make them in fact a legal tender.

Just as the road to cheap money was easy to travel, so was the way to the postponement of debts. And having traveled the former recently the state had forgotten the rough places and jolts and only remembered the joys; and so again it decided to journey by that route. Delay was only a part of the program; when the days of grace should be used up, then, with what should the people pay? The situation was likely to be as aggravated as ever. Therefore, the relief laws unaided by other agencies must be a failure. A committee of the Legislature stated the case thus: "The balance of trade being against us to a great amount, when the year 1819 commenced, many began to see and feel that they had been deluded by appearances; and such was the universal pressure over the whole United States, that even the Bank of the United States, with all its power and influence, was almost driven to the brink of ruin, and was only saved by the fortunate arrival of \$250,000 in specie from the states of Kentucky and Ohio, at a moment when every other resource had failed, as acknowledged by the president of that bank, in his last report. In this state the pressure was unprecedented in every quarter of the country; alarm and distrust prevailed every class of our citizens, it was evident to every reflecting and humane mind that widespread ruin and desolation would soon overwhelm thousands of our best citizens, unless some expedient could be resorted to, for the purpose of saving the country. A twelve months' replevin law was resorted to, in the first instance, which only dammed up the current for a time to again break loose with redoubled fury. As the hopes and expectations for that year were cut off for the want of a market, because it cannot be forgotten, that in the spring and summer of the year 1820, the products of the country had fallen to prices far below what was ever known before, and although abundance and plenty smiled around the husbandman, his debts were increasing, and a fearful looking-out for the day of execution and ruin, met the unfortunate in every direction. These are stubborn facts which cannot be denied, and are now fresh in the recollection of all. Under these circumstances the Legislature of 1820 assembled.—What can be done to save the country? was the universal inquiry. The resources and funds of the state were known to be ample and it was determined to draw upon her as the safest expedient."<sup>8</sup>

Governor Adair in his message to the Legislature in October (1820) forecast some sort of action that would have to be undertaken by the state to relieve the besetting hard times. "It will be admitted by all," he said, "that the people of this state feel, at this time, a severe and universal pressure, in their monied transactions. To relieve them in some measure, is, I trust, the wish of all. Different views will be entertained as to the best means of effecting so desirable an object, by members from different parts of the state."<sup>9</sup> The rumor soon started that the additional relief demanded would be in the establishment of an immense banking institution to have a capitalization of 4,000,000 to turn out paper money without limit which should not be redeemed in specie. Hezekiah Niles said, "It is regarded by some as the sovereign remedy for the diseases of the times, and by others considered as a mammoth to consume what the 'independent banks' left undestroyed."<sup>10</sup> After much opposition from the conservative sound money men, the Legislature on November 29, 1820, chartered the Bank of the Commonwealth wholly as a state institution for the direct purpose of relieving hard times. There was to be a president and twelve directors, all chosen by the two houses

<sup>8</sup> *Niles' Register*, Vol. 23, pp. 234, 235.

<sup>9</sup> *Niles' Register*, Vol. 19, p. 170.

<sup>10</sup> *Ibid.*, 208.

of the Legislature on joint ballot. The capital stock was the amount to \$2,000,000 and all to be owned by the state. It was to issue notes to the amount of \$3,000,000, which in theory should be redeemable in gold and silver, but in fact not. The notes were to be in denominations ranging from \$1 to \$100.<sup>11</sup> As one of the main functions of the bank was to issue the notes to relieve hard times, among the first concerns of the authorities in charge was to arrange the artistic designs for the different denominations and order the printing presses to begin work. Francis P. Blair, a rising young politician in Frankfort at this time, addressed a communication to John J. Crittenden in which he stated that he had worked out an elaborate system of designs for the different denominations taken from Greek mythology. He wanted to know Crittenden's opinion of the scheme—he also expected to consult the “knowing-ones” in Philadelphia. “If you don't like my heathenish designs,” he continued, “I'll give you the Christian parable of the prodigal son on the different stages of his progress on the different denominations of notes. He shall set off in *high snuff* on \$100's & pass through the eventful scenes of his life on the rest, till he returns to his father's house in wretchedness & drops on the \$1 denominations, without a dollar in his pocket. The moral of it will be to make every man hold to the dollar that he has, lest he should be in the same fix—and the whole of the denomination together would be no bad history of the causes which produced them.”<sup>12</sup>

The experience of the state recently with the independent banks, the so-called “Forty Thieves,” had caused it to lose faith in the integrity and ability of private individuals to do banking business. It was therefore by studied and conscious design that no individual could hold stock in the Bank of the Commonwealth. Governor Adair declared that past happenings had by no means strengthened the country's confidence “in the stability and safety of monied corporations, in the control of which, the integrity of their directors is left at the mercy of their avarice.” He believed that no private bank could be honest and make a profit at the same time. Its resources could not be made sufficiently ample for this. It was only in a state, then, that stability and strength lay. After all he thought that paper money was only a temporary makeshift, but absolutely necessary in certain crises. Now was a time, he thought, when the frozen assets of the state, which were ample for all purposes, should be made liquid through the issuance of paper money with which the people might lift themselves out of the financial and economic depression. The capital of the bank, which stood as security for the notes issued, was made up of all money paid into the treasury for vacant lands, from the purchase of land warrants, and from the sale of the lands west of the Tennessee River, and of the state's stocks in the Bank of Kentucky amounting to over \$500,000. According to Governor Adair, “to withhold from the solemn and binding pledges of an entire community rich in resources, and stained by no single act of dishonor, that willing credence which is yielded to each and every one of its individual members, is irrational in the extreme. Why shall not a state as well as individuals, anticipate their resources? To the Bank of the Commonwealth it cannot with fairness be objected that the foundations of its credit are insufficient.”<sup>13</sup>

The relief features of the bank stood out in almost every part of its charter. In order to best serve the people the parent bank, situated at Frankfort, had twelve branches scattered over the state according to

<sup>11</sup> *Acts of Kentucky*, 1820; Collins, *History of Kentucky*, I, 29; Doolan, “Old Court—New Court Controversy” in *Green Bag*, XI, 180; *Reports of the Decisions of the Supreme Court of the United States* (Boston, 1870), B. R. Curtis, editor, XII, 423, 424. <sup>11</sup> Peters 257. A supplementary act was passed December 22.

<sup>12</sup> *Crittenden MSS*, Vol. 2, Nos. 366, 367. Letter dated Jan. 6, 1821.

<sup>13</sup> *Niles' Register*, Vol. 21, pp. 186, 187.

judicial districts.<sup>14</sup> The notes were to be loaned on mortgages or other good security and the amounts were to be apportioned over the state according to population. In the beginning the loans had to be used for the specific purposes of paying debts, or buying stock or produce; and the further restriction was made that no single individual should be allowed to borrow over \$2,000. By these methods it was hoped that extravagance and speculation could be prevented. The bank, itself, was not permitted to run into debt more than twice the amount of its capital. The people eagerly entered into these loans, with some sections of the state feeling that they had been slighted in the munificence at the hands of the state. A citizen of Henderson said, "In a sectional point of view I think the Henderson people are now entitled to a small share of the *loaves and fishes* from the Mother Bank, as she has not extended to us one of her Branches, and very limited accommodation heretofore."<sup>15</sup>

In the summer of 1821 the money began to make its appearance in great quantities and to gladden the hearts of the people once more. Within a short time (by November of 1821) the bank had lent its credit to the people to the extent of almost \$2,400,000 and had issued more than \$2,300,000 in paper notes.<sup>16</sup> The joyful intelligence had soon spread "that a waggon load, or less, of curiously marked and stamped paper had arrived \* \* \* and was just about to issue as money, from the shops established in virtue of a late act of the Legislature for chartering the bank of the commonwealth;—on which, it seems as if many honest farmers had their nags already saddled, to proceed post haste to some neighboring village, to execute liens on their lands and obtain some part of this magical stuff—which, like a mighty genii, is to relieve the distresses of the people and spread happiness over the land." "These things are really laughable" said Hezekiah Niles, "if one could be allowed to laugh at a proceeding which must terminate in unbounded misery. Gallant Kentucky could easier resist the force and eradicate the effects of an invasion by the most numerous and best appointed army that ever appeared in America, then combat with the wide destruction which her paper system will bring upon her." What he predicted about the results of the independent banks was too sadly true, as all Kentuckians now knew. "The money-shops have disappeared, but their slough remains to poison the prospects and paralyze the efforts of a noble community: and relief is sought for in another application of the same kind of stuff that caused the distress!—It is just as if a person intoxicated with strong beer, should expect to sober himself by pouring down French brandy! A state of insensibility might thus be easily produced; or, if a sense of feeling remained, the patient might be *independent* of the consideration whether he was drunk or not,—but such a procedure would not be regarded by a sane man as the best method of managing the disease!

"This similitude applies directly, in my opinion, to the state of things in Kentucky—and I venture boldly to say, that the day on which this bank is put into operation will be the blackest in the calendar of that state. The act for it ought to have been entitled *an act to encourage the people to ruin themselves*. Then its title would have conveyed a just idea of the effects which the unhappy law must produce, unless, indeed, like causes shall fail to be followed by like effects. But if in this case I shall turn out to be a false prophet, and the people *are* relieved—I will gladly surrender up any assumption of prescience to a knowledge of the fact,

<sup>14</sup> The branches were located at the following places, Bowling Green, Falmouth, Flemingsburg, Greensburg, Harrodsburg, Hartford, Lexington, Louisville, Mount Sterling, Princeton, Somerset, and Winchester.

<sup>15</sup> *Breckinridge MSS.* (1821). N. C. Hardy to Joseph C. Breckinridge, Feb. 1, 1821.

<sup>16</sup> *Niles' Register*, Vol. 21, p. 178.

and heartily rejoice that Kentucky has been benefited by the procedure in question, being deeply interested in the prosperity of the good people of that state."

Niles said he had recently been led to believe that Kentucky was on the road to recovery, when she had abolished her independent banks, and when by the force of economy and the sheer want of means to purchase and the lack of credit to run into debt she had been forced to do without those things that could be dispensed with. He had hoped "that a few years more of suffering and privation would afford relief and establish a system of abstinence and retrenchment which would necessarily result in future ease and independence. This is not a pleasant operation, but no other, of a domestic nature, can relieve a people so situated; and though the progress of the remedy is slow, its effect is certain as well as permanent. But now the fiend Speculation has been let loose again—something that will pass for money will be borrowed, and wild extravagance will rage for a season. Every thing will be apparently prosperous for a short time—the farmers will purchase coats for which they will pay as much or more than twenty barrels of flour will fetch them, and their wives have gowns more costly than the whole surplusses of their dairies will bring them in a year. Some will be building palaces, and many more be engaged in building castles in the air, like adventurers in lotteries. Who will want *money* when he can get it for only signing his name to a piece of paper, by virtue of which his wife and children may be driven into the woods by soul-less persons vested with the management of some neighboring bank? The price of land will rise, and there will be much buying and selling—a great bustle and appearance of business. But the paper money thus put afloat will not, in the first instance, relieve those kinds of debts that bear most heavily on the people of Kentucky—I mean those due to merchants on the sea-board through their own shop-keepers and traders: the first dollar bill issued will, perhaps, be not less than thirty per cent worse than gold or silver, or the bill of any specie bank, before it is one day old—yet the depreciated currency thus borrowed, must *finally* be redeemed with something that will command gold and silver, and *pay-day will come*. When that day arrives, and it will be upon them before the people are aware of it—a scene of distress will be presented such as Kentucky has never yet witnessed. A few *knowing ones* will build up great fortunes for themselves by getting off the trash for things of value and imperishable in their nature; but the mass will be engulfed in bankruptcy—and thousands that now live comfortably will be reduced to beggary. This is but a faint picture of what I believe will surely come to pass—and if these remarks shall cause one honest man in the state to preserve his independence, by refusing to have any thing to do with the bank, in signing or endorsing notes, there will be one person to bear honorable testimony of me—to join me in saying that all attempts *to legislate a people out of debt* are null and void—unwise or wicked; that they inevitably add to the miseries which it is pretended they are to relieve."<sup>17</sup>

Regardless of opposition and friendly advice within the state and without, the program that had been entered upon was followed up with no relenting. Shortly after the Bank of the Commonwealth had been chartered, the final cap-stone was laid on the relief edifice that had been building. A replevin law was passed on Christmas Day (1820), doubtless by conscious design so timed as to convey to the people the idea of an inestimable prize for the day and the period to come, which was designed to help the bank directly, and hence the people indirectly and finally.

<sup>17</sup> *Niles' Register*, Vol. 2, pp. 180, 181. This postscript is added: "Later papers inform us that in several places all the 'money' that was apportioned to be loaned had been borrowed, and the demand not half supplied."

By this law a stay of two years was allowed on executions unless the plaintiff should endorse the note with the acceptance of notes of the Bank of Kentucky or of the Bank of the Commonwealth. If he accepted the notes of the Bank of Kentucky only, then he was forced to wait twelve months for his payment; but if he should accept the notes of the Bank of the Commonwealth, he should have to wait only three months.<sup>18</sup> Here was a clear and invidious distinction between the two banks. This was a bold effort to force the notes of the latter in preference to the former. The Bank of Kentucky had long been under the ban of the radical relief party. To them it was a monster which sought to kill the effects of the relief measures at every step. It was in fact managed by conservative men who sought to confine its activities to sound banking principles. It had been bitterly attacked in the campaign before the establishment of the Bank of the Commonwealth. The relief men claimed that it would execute loans only to certain privileged persons and that it was a dangerous influence in politics.<sup>19</sup> When the Commonwealth Bank was chartered it was expected that the Bank of Kentucky would fall in line with the policy and principles of this relief bank. But disillusionment soon came. It began to restrict its loans and call in some of its notes, all of which tended to hurt the Bank of the Commonwealth.<sup>20</sup> A report from Frankfort in February, 1821, stated that "The twelve months replevin bonds are expiring daily, and the executions going out on them; and, on these things, the money must come, if it can be had—but 'there's the rub:' for I do not think there is money enough in the county to pay one-fourth of the debts! The bank of Kentucky has, in a few days past, determined to sue all her debtors, who have failed to pay the discounts and calls on them; and, in this single county, she has commenced, within the last two days, *two hundred and seventy-five* suits, and the sum for amounts to 887,154 dollars."<sup>21</sup>

The outcry against this bank became more widespread and persistent. Governor Adair in his message of October, 1822, advocated the complete severance of the state from further interest or participation in the Bank of Kentucky. He believed that there were outstanding evils in this divided government of the bank by the state and private stockholders. He was not, however, hostile to the bank; nor did he believe the resumption of specie payment by it would be injurious to the Bank of the Commonwealth. On the contrary, with the resumption of specie payment by it, its notes would rise and tend to carry along upward the notes of the Bank of the Commonwealth. A committee of the Legislature appointed to investigate the question of the currency, advised that the state should not immediately withdraw its stock from the bank and thereby lose its voice in its affairs. But the Legislature was controlled by the relief party who saw this bank foreclosing mortgages and selling people out of their homes. That was enough to condemn it! On December 5 (1822) it pleased the people by repealing the charter of the only sound banking institution in the state, which it could control, giving it seven years to wind up its affairs.<sup>22</sup>

The state was now left with its replevin laws and relief bank free to continue its mad plunge toward economic and financial ruin. The

<sup>18</sup> Doolan, "Old Court—New Court Controversy" in *Green Bag*, XI, 180; *Niles' Register*, Vol. 24, p. 391.

<sup>19</sup> See *Kentucky Gazette*, Mar. 17, 1820, *et passim*.

<sup>20</sup> *Ibid.*, Oct. 11, 1821.

<sup>21</sup> Dispatch in *Richmond Enquirer*, March 30, 1821, quoted in *Niles' Register*, Vol. 20, p. 85. Niles adds that this is a per capita debt for the county of about \$400. He asks, "What then is the amount of *all* the debts owing? Such are the results of glorious banking—such the fruits that the tree of speculation bears! And legislation to pay debts is worse than either. It is the abomination of abominations! For one honest man that is relieved by such legislation, fifty men are victims."

<sup>22</sup> *Kentucky Gazette*, Dec. 12, 1822; also see *Niles' Register*, Vol. 23, pp. 171, 235.

rights of debtors and the obligations of contracts were further infringed by exempting altogether from sale for debt a number of implements and personal belongings, among which were one horse, one plough, one axe, one hoe, and all the necessary tools of mechanics.<sup>23</sup> Between replevin laws and relief banks it was consciously designed and confidently expected that all the ills of the debtor class would be speedily cured. The Bank of the Commonwealth was designed to relieve a very numerous class of small debtors whose debts amounted to more than \$2,000,000, "all of which were under judgment and execution, and the property ready to be sacrificed, in most cases, for little more than the officer's fees." Of the success in this respect, Governor Adair said, "It cannot be doubted by any, that such an amount of property, exposed by the officers at the same time, or in a short period, would not have brought a tenth, perhaps, not a twentieth of its value. This numerous, and I will venture to say, this class of honest debtors, have been relieved by loans by the bank; their creditors have been satisfied; and thus, allowed sufficient time to raise the money by adopting the very sage advice which we have all read in our almanacs since the days of poor Job, and may yet read from most public documents and newspapers, of *industry and economy*, an advice always good in itself, but when given to a man whose whole property, the labor of many years, is in the hands of an officer, and about to be torn from him, for one-tenth of its value, in a few days, a week or month, it is then little better than insult." The other class of debtors, which were to be relieved by the replevin laws, was made up of those whose debts were so large that the bank could give them little aid with its limited means. The only help the Legislature could extend to them was to grant delay on their payments. In defense of the whole system of relief laws, Governor Adair said that "notwithstanding the abuse that has been heaped upon them by the designing and ignorant, I have not a doubt but that, from the then situation of the country, they were essentially necessary, and better calculated to do moral justice between creditor and debtor, than any other course in the power of the Legislature."<sup>24</sup>

In line with the various relief measures and actuated largely by the same causes and conditions came the abolition of imprisonment for debt. This practice of throwing people into prison who were unable to pay their debts, a strange survival for so late a time, was common throughout the country. Its evils were so patent and its effects so inhuman, that the conscience of the country was beginning to be awakened, one evidence of which was seen in the establishing of the Society for the Relief of the Distressed. Hard times in Kentucky served to draw the public attention more forcibly to this besetting evil, and finally caused its complete abolition. In 1820 a beginning was made by exempting women from imprisonment for debt, and men were practically relieved by a curious law which extended the limits of the jail for such purposes to the boundaries of the county. In the following year a law was enacted which, without further circumlocutions, specifically abolished all imprisonment for those who did not or were unable to pay their debts.<sup>25</sup> The *Kentucky Gazette* commented on the triumph for humanity that had been secured: "This may be considered a real triumph over the deep rooted aristocratic principles that have continued to obstruct the progress of republican

<sup>23</sup> *Niles' Register*, Vol. 19, p. 416.

<sup>24</sup> *Niles' Register*, Vol. 25, p. 204. Message to legislature of November, 1823. Also see *Kentucky Gazette*, Nov. 16, 1820.

<sup>25</sup> For text of law see *Niles' Register*, Vol. 23, Supplement, 160, 161. This act was approved December 17, 1821. If an affidavit should be filed with the clerk of the court stating that the plaintiff believed the person against whom the process was about to issue would leave the state or move his property away before judgment could be rendered, then the clerk might require bail.



doctrine in this, as well as most of the states of the union. \* \* \* The poor may consider it particularly favorable to their situation, and a severe wound inflicted on tyranny."<sup>26</sup>

This action primarily affected the law and procedure in state courts. Some fear was felt that Federal courts, which had lately won for themselves an unsavory reputation in the state, might refuse to be governed in their procedure and processes by state law, and would, therefore, continue to throw into prison such persons as came within their power. To guard against such a contingency, a law was enacted increasing the prison bounds in cases of imprisonment for debt, to extend to the limits of the state. As the Federal courts used state prisons, it was thought that they would have to regard and use as such any arrangement the state should set up.<sup>27</sup> The fears that the Federal courts might not recognize the state law as bearing on themselves were soon justified. In the summer of 1822, the United States Bank, that unwelcomed "money monster," sought in the Federal Court in Lexington the writ to imprison a defendant who was indebted to the bank. Henry Clay, who was retained by the bank, argued that the Federal courts were regulated in their processes by Congress, and that that body had so exercised its authority. The defense maintained that the state has as much power and right to regulate personal liberty and locomotion and stated that Congress had never regulated the processes of the Federal courts differently from the rules set up by state law for the State courts. The court refused to grant the writ on the ground that the Federal courts had always followed the rules set down for State courts on the subject of processes and executions.<sup>28</sup> Thus Kentucky's law successfully abolished imprisonment for debt in State as well as Federal courts, throughout the commonwealth.

The notes of the Bank of the Commonwealth, "most splendidly engraved and beautifully printed on superfine paper, being as *good-looking* notes as were ever manufactured any where," immediately on their issuing depreciated to about 70 cents on the dollar in United States Bank notes or good notes from the Atlantic States.<sup>29</sup> Getting a bad start in the very beginning, they never circulated at par with the notes of the specie-paying banks. A year later they had dropped in some places to the level where \$205 worth of them was required to purchase \$100 in specie or United States Bank notes.<sup>30</sup> They became so plentiful and worthless as to draw the remark, that "One good thing may come out of this—such notes will not be *counterfeited*, 'that's flat'—because they will not pay the cost and hazard of their fabrication."<sup>31</sup> One person on paying a debt of \$5 with a \$10 Virginia note was surprised to receive back in change three \$5 bills of the Bank of the Commonwealth.<sup>32</sup> Other people refused to accept the Kentucky notes at any price. It was reported that the stock raisers, hemp and tobacco growers, and commission merchants flatly refused to have any transactions in which this money was used; and a stage driver refused to accept it as fare.<sup>33</sup> An order issued by the Bank of Kentucky, casting some doubts upon its acceptance of the new Commonwealth notes, provoked one of its debtors to threats of violence. This irate customer inserted a notice in the *Russellville Weekly Messenger* in which he announced that he was a debtor of the bank and

<sup>26</sup> December 5, 1821. These remarks were occasioned by the passage of the law in the Senate, which was done by a vote of 26 to 10.

<sup>27</sup> *Niles' Register*, Vol. 21, p. 381; Vol. 22, p. 273.

<sup>28</sup> *Niles' Register*, Vol. 22, p. 291, 292.

<sup>29</sup> *Niles' Register*, Vol. 20, p. 225.

<sup>30</sup> See *Ibid.*, Vol. 21, p. 278; Vol. 22, p. 97; Vol. 23, p. 96; Vol. 24, p. 16.

<sup>31</sup> *Ibid.*, Vol. 20, p. 225.

<sup>32</sup> *Ibid.*, Vol. 23, p. 148.

<sup>33</sup> *Ibid.*, Vol. 22, 116; *Breckinridge MSS.* (1821). Letter from B. B. Stith to Joseph C. Breckinridge, Aug. 25, 1821.

was willing to pay what he owed "provided you agree to take the currency of the country, such money as the state has made for the payment of debts: but so long as your present order exists I most solemnly declare, that I will not pay you one dollar, not even the interest, and thus publicly give notice to all sheriffs, constables, bailiffs, marshals, and their deputies, that if they do serve any precept on me, preparatory to coercion, that I will as soon thereafter as I can, put a period to their earthly career—for I hold it as a right undeniable, that all improper, oppressive, or impracticable orders ought to be repelled with force."<sup>34</sup>

The City of Louisville in order to relieve itself from the uncertainties and hazards of this circulating medium, which some believed might soon cease to circulate at all, issued a city currency to the amount of \$40,000 in denominations of 6¼ cents to \$1. The city taxes and property were pledged in payment of them, and they were made receivable for all city taxes and other debts due the corporation. But being made receivable for city taxes and redeemable in the same medium, it was soon evident that the notes were in fact then redeemable in themselves—a vicious circle which soon sent them down to zero as a limit of their value.<sup>35</sup>

In more than one way the impossibility of using the Commonwealth Bank notes with any great degree of satisfaction in the ordinary money transactions stood out. According to the postal regulations, uniform for the whole country, postage was required to be paid in specie or other national currency. The Kentucky currency was, therefore, not receivable at the postoffice. As this so-called "rag money" made up the great bulk of the currency in the state, and as many of the citizens were "denied the privilege of the post office, by requiring of them round specie in payment for postage," the legislature called upon the National Government to amend the rules of the postoffice so as "to enable the citizens of this commonwealth to avail themselves of the privilege of conveying their letters by mail."<sup>36</sup>

As a necessary part of the relief system and a direct outcome of the depreciated Commonwealth Bank notes, the so-called "scaling system" grew up. This consisted in juries giving their verdicts for damages, executions, and claims in specie rating rather than in the Commonwealth paper—"scaling verdicts" as they came to be called. According to the *Lexington Reporter*, "Those who have not experienced the operations of the scaling law, will find, on inquiry, that it is a wonderful expedient for the benefit of a debtor. It is just the thing that deserves a patent." Under this system some very fantastic results ensued. The following case was reported:—A poor man was sued on a note of \$12 on the back of which was credited a payment of \$6. As there was no proof that the \$6 had not been paid in specie, the magistrate assumed that it had, and as the ratio of Commonwealth paper to specie was two to one, he decided that the whole amount of the note had been paid, and therefore gave a judgment for costs against the plaintiff. This led the *Lexington Reporter* to comment: "Into what absurdities are we plunged by the relief system." What a mockery to talk of justice and freedom and happiness, when the Constitution is brought to the level of such legislative acts as have been adopted by the relief party! We have here in Kentucky, a code of such relief laws; a code intended to suit the case of every man who is disposed to wrong his neighbor; a code which invites all men to break their contracts. If a trespass be committed, and property destroyed or taken away, damages for one half the amount of injury only, can be obtained; and that half payable in paper worth 50 cents on the dollar! If a man

<sup>34</sup> Quoted in *Niles' Register*, Vol. 24, p. 2.

<sup>35</sup> R. T. Durrett, *The Centenary of Louisville* (Louisville, 1893), Filson Club Publication, No. 8, pp. 90-92.

<sup>36</sup> *Acts \* \* \* of the Thirteenth General Assembly for the Commonwealth of Kentucky, 1821*, p. 451; *Niles' Register*, Vol. 21, p. 212.

refuses to pay his bond, judgment can be obtained against him for *one half only*, and thus he clears *fifty per cent. by being sued*. If he prefers not paying even one half of his just debt, in *commonwealth paper*, he can replevy two years; and, at the expiration of two years, he may send his creditors to seek WILD LAND—PROVIDED THE RELIEF LEGISLATORS HOLD THE SCALES OF JUSTICE TWO YEARS HENCE.”<sup>37</sup>

By the advocates of the relief system, the depreciated currency was declared to be a blessing in disguise. True it was that the Commonwealth notes would not be accepted outside of the state; and by that very fact Kentuckians were forced to buy home productions. This was bound to lead, they argued, to the rejuvenation of home manufactories. These notes would also not be accepted by the Federal Government in payment for public lands. This was also a blessing; for there was no need for good Kentuckians migrating to other states or to the territories. The *Kentucky Gazette* said, “At present our money is certainly protecting every class except the purchases of foreign articles. \* \* \* Take from this state the present currency, and there is not an article made of leather, wool, cotton, flax, hemp, or iron but will be imported till the last cent is drained from us and carried away.”<sup>38</sup> As there was certainly little specie in the state with which to make outside purchases; there was in fact some cogency in these contentions. It was a question, however, as to whether this was the best way to encourage manufactories. Would not the economic detriment to the state outweigh and outlast any aid that might result for home production? On October 26, 1822, the Bank of the Commonwealth had only \$2,633.25 in specie.<sup>39</sup>

But the very originators of the relief system soon saw there was a limit to the amount of notes that should be issued and also a limit to the time during which they should circulate; for in fact the bank had not been set up as a permanent financial institution any more than it was expected that hard times would be permanent. Governor Adair in his message to the Legislature in October, 1822, favored the gradual retirement of the Commonwealth Bank notes. This course, he said, would “silence the clamors of those who have depreciated the credit of the paper by impeaching the credit of the public faith, and inspire the community with increased confidence in the final redemption of the notes.”<sup>40</sup> A legislative committee appointed to investigate the question raised in this part of the message seriously regretted that the notes of the Bank of the Commonwealth and of the Bank of Kentucky “have depreciated during the present year, and it can only be accounted for, on the ground of a redundancy of the paper of these banks, because it must be acknowledged by all, that the resources of the state are ample for the redemption of all the paper of both institutions. \* \* \*” It recommended that a sum not exceeding \$1,000,000 each of the two banks be called in and burnt, one-half as soon as possible and the remainder in six and twelve months. It also recommended that only twelve months, instead of two years, be allowed in cases where the plaintiff failed to take advantage of the endorsement law.<sup>41</sup> This policy of retiring the currency of the banks and burning it was adopted and soon the bonfires were illuminating Frankfort. On January 8, 1823, \$71,000 of the notes of the Bank of the Commonwealth were consigned to the flames. Of this Hezekiah Niles said, “What an excellent fire it must have made! It is a good beginning.”<sup>42</sup> Exactly one week later \$700,000 of Commonwealth Bank paper was burned “in the presence of suitable persons duly appointed to see that the conflagration was properly made.”

<sup>37</sup> Quoted in *Niles' Register*, Vol. 24, p. 391.

<sup>38</sup> May 9, 1822. Also see May 21.

<sup>39</sup> *Niles' Register*, Vol. 23, p. 181.

<sup>40</sup> *Ibid.*, 171.

<sup>41</sup> *Niles' Register*, Vol. 23, pp. 235, 236.

<sup>42</sup> *Ibid.*, 321.

"A few more good fires like this," Niles added, "and we shall begin to expect remittances from our friends in Kentucky—whose arrears amount to a distressing aggregate at this time."<sup>43</sup> The work of gathering up the money and burning it went steadily on. In June the (Frankfort) *Argus* announced that "\$109,000 of Commonwealth's paper was committed to the flames, in obedience to the act of the last general assembly. Original cost about \$22."<sup>44</sup> The notes of the Bank of Kentucky were also being steadily called in and burned. *Niles' Register* reported in June, 1823, that "KENTUCKY is going on nobly in the work of burning paper money. There was lately another great purification of the currency by fire—\$1,400,000 in notes of the Bank of Kentucky, besides the conflagrations of the paper of the Bank of the Commonwealth, have been committed to the flames."<sup>45</sup> It was later provided that all the outstanding notes of the Bank of Kentucky should be called in at the rate of one per cent per month and boxed up, instead of being burned.<sup>46</sup> This bank was well on its way now to a final winding up of its affairs preparatory to going out of business. The Bank of the Commonwealth was also getting on a sounder basis. On October 10, 1825, there was outstanding about a million and a half of notes out of a grand total of nearly three millions. For the redemption of these notes it had almost \$2,500,000 in various forms. The notes, under these circumstances, were gradually approaching par, much to the joy of most of the people of the state who longed for a sound circulating medium.<sup>47</sup> There was a movement on the part of some before the appreciation began, to retire the notes on the basis of 50 cents on the dollar. This was, however, not adopted as it would have further impugned the credit of the state.<sup>48</sup>

When the notes began to rise in value the inflationist relief men immediately took fright. They began to cry out that money was becoming scarce again and that it was an injustice for them to pay back to the bank their loans from it dollar for dollar, since every day made the dollars they were paying back dearer and harder to get. When they borrowed the money from the bank, \$2 of the paper was worth \$1 in specie, now it had so advanced in value that \$1.50 equalled \$1 in specie. More money was the only remedy, in their estimation. Said a correspondent to the *Washington (Kentucky) Union*: "Justice forbids it [the payment in dear money of debts contracted in cheap money]—the spirit of the relief system (from which the country has derived so much benefit) forbids it—and I call upon the friends of the system to rally around it, and boldly to demand a *moderate* additional emission of the not created as an instrument of oppression, and the *true friends* of it will not be driven from their stand in its favor. The pretence of winding up, has only been resorted to as a means of conciliating the anti-relief's, and is at best, but a kind of half-way measure. I say therefore speak out boldly, and stick close together, all you who are really in favor of *relief*."<sup>49</sup> Others would take advantage of the appreciation of the currency for other purposes. As the money became more valuable, Governor Desha in 1825 urged the advisability of paring down the salaries of state officials and other public expenditures. "It should be the object of a republican government," he said, "to give only that compensation to public officers which will purchase the faithful performance of their

<sup>43</sup> *Ibid.*, 355.

<sup>44</sup> Quoted in *Niles' Register*, Vol. 24, p. 260.

<sup>45</sup> Vol. 23, p. 387.

<sup>46</sup> *Niles' Register*, Vol. 25, p. 368.

paper of the bank, sufficient to prevent the shavers and money grippers from speculating upon the necessities of the debtors of the bank—It was

<sup>47</sup> For a statement of the bank see *Niles' Register*, Vol. 29, p. 229.

<sup>48</sup> *Ibid.*, 4.

<sup>49</sup> Quoted in *Niles' Register*, Vol. 28, p. 342.

respective duties. Above all things our government should avoid sinecure offices." He called special attention to the salaries of the officers of the Commonwealth Bank and suggested that the various branches of the bank might be completely discontinued and the remaining duties be performed by resident agents.<sup>50</sup>

As heretofore indicated, this whole relief system of banks and replevin laws was bitterly assailed from the very beginning, and it increased as time went on. In a bemoaning letter a Kentuckian summed up the infamies the state had been guilty of during the past few years: "I discover that I have lived too long. I have lived to see this country rise from a howling wilderness to a rich, populous and respectable state. I have lived to see the savages driven far away, and the sons of Kentucky step forward to vindicate their country's rights—but also, after a residence of forty-two years, I have lived to see my country in disgrace at home and abroad. I have lived to see it cursed with forty independent banks. I have lived to see the lands of non-residents and residents confiscated under what is here called the 'occupying claimant's law.' I have lived to see the charters of the independent banks repealed; but I have lived to see fifteen more established in violation of the constitution of the United States: and, worse than all, I have lived to see two successive legislatures of Kentucky guilty of the ridiculous folly of attempting to legislate the people of the state out of debt. I have lived to see the measures of government much influenced by bankrupts. *I wish to live to see my state regain her former standing.*"<sup>51</sup>

The replevin laws and the bank were severally and collectively attacked; but the latter seemed to be singled out for some of the bitterest thrusts. In describing its blighting effect on the state a correspondent to *Niles' Register*, said: "It has nearly destroyed all commerce or trade, extinguished personal credit, broken down confidence between man and man, as well as dampened and depressed the industry of the state—but thank God, the people are beginning to get tired of its blessings, and its paper mill will soon cease working; leaving a debt, however, due to it from the *poorest of the people*, to the amount of 2½ or three million of dollars."<sup>52</sup> An effort was made by the enemies of the institution in 1822 to repeal the charter but it failed by a vote in the House of sixty to thirty.<sup>53</sup> It was early argued that this bank was unconstitutional for "It is impossible to believe that the paper of this bank can be *forced* upon any one in the payment of debts—for no state can pass a law impairing the obligation of contracts. This is forbidden, and wisely, by the constitution of the United States."<sup>54</sup> The question was soon raised in the state courts in a regular law suit. The Bank of Commonwealth brought suit in the Adair County Circuit Court against one Benjamin Lampton and others on a note for money loaned by the branch at Greenupsburg. The defendants maintained in their answer that the paper they had received from the bank was illegal and void, for the bank in issuing it had violated the Constitution of the United States, which declared specifically that no state shall "emit bills of credit."<sup>55</sup> The court sustained the right of the bank to issue the notes, and the case was appealed to the Court of Appeals, which sustained the judgment of the lower court.<sup>56</sup>

This question was finally settled in 1837 in the celebrated decision of the Supreme Court in the case of *John Briscoe and others v. The President and Directors of the Bank of the Commonwealth of Kentucky*. John

<sup>50</sup> Message of November 25, 1825, in *Niles' Register*, Vol. 29, p. 223.

<sup>51</sup> *Niles' Register*, Vol. 20, p. 52.

<sup>52</sup> Vol. 23, p. 337.

<sup>53</sup> *Niles' Register*, Vol. 22, p. 240.

<sup>54</sup> *Ibid.*, Vol. 20, p. 225.

<sup>55</sup> Art. I, sec. 10.

<sup>56</sup> *Niles' Register*, Vol. 23, p. 371.

Briscoe borrowed \$2,048.37 from the Bank of the Commonwealth and received payment in its notes. Later he refused to settle this debt, as he maintained the consideration illegal and void. In so holding, the plaintiff in error argued that the bank had no right to issue money, as it was an instrument of the state and in practical effect amounted to the state emitting bills of credit, which was specifically forbidden by the Federal Constitution. In the minds of many people this very question had been settled in the case of *Craig v. The State of Missouri*, the opinion in which had been delivered by John Marshall; and if that were true, there seemed little question that the case would go against the Kentucky bank. Henry Clay and Benjamin Hardin were retained as counsel for the state. The outstanding point in their argument was that the bank was not the state, but merely a corporation created by the state for a specific purpose, viz.: to do banking. Their contentions carried with the court, and the emission of notes by the states through a state-owned bank continued until the days of the Civil war, when a tax of ten per cent was imposed on all such emissions, which effectively put a stop to them. In its decision the court held that a bill of credit must be issued by a state, must involve the faith of a state, and must be designed to circulate as money on the credit of the state. In the case of the notes in question, there was no promise on the part of the state involved. Moreover, when a state became a stockholder in a bank it imparted none of its attributes of sovereignty to the institution, and it exercised no powers different from those exercised by private holders of stock to the same amount.<sup>57</sup>

The Commonwealth Bank was defended and praised as the salvation of the people generally. Governor Adair declared in 1821 that he had sensed during the year the gradual return of prosperity and that the bank was largely responsible for it. "The wisdom of the policy which gave birth to that institution, has received the decided confirmation of a short experience; and the important benefits it has conferred on the distressed portion of our population, have strongly endeared it to the people. Its favors have been general—equal—and, for the most part, adequate to the pressure of the times."<sup>58</sup> In his message to the Legislature the following year he reiterated his conviction that the bank was justified by the conditions and that it had been successful in accomplishing what it had been set up for. "If the legislature of Kentucky has been compelled to yield for a season to the imperious nature of causes which it could not subdue, in devising measures requisite to insure the general welfare; has sanctioned means heretofore not usually employed, let it never be forgotten, that the measures adopted have completely realized their proposed ends; that an agitated and endangered population of a half a million souls has been tranquillized and secured without the infliction of legal injustice or the example of violated morality. I rejoice that the hour is near at hand, when we may change, without fear or injury, our precautionary attitude, and, mingling freely in the emulative pursuits of nations, with increased vigor urge onward our career of wealth, of power and of fame."<sup>59</sup>

The bank in particular as well as the whole system of relief legislation in general, was opposed by many people on the principle that it was no concern of the state that private individuals were in debt, and that it was no concern of the state to get private individuals out of debt. It was argued that thrift, industry, and economy were the only remedies, and that any intervention on the part of the state would only aggravate conditions in the long run. Governments, they said, were not made for such

<sup>57</sup> 11 Peters 257; *Reports of the Supreme Court*, B. R. Curtis, editor, XII, 419-456; *North American Review*, Vol. 46 (1838), 142-156; Calvin Colton *The Life and Times of Henry Clay* (New York, 1846), I, 82, 83.

<sup>58</sup> Message to the legislature, October 16, 1821 in *Niles' Register*, Vol. 21, p. 185.

<sup>59</sup> Message of October 22, 1822 in *Niles' Register*, Vol. 23, p. 171.



purposes, and laws could do no permanent good. Amos Kendall, who had come to Kentucky as a boy and was now editor of the *Argus*, said the people might cry *relief! relief!* "Alas! we know the futility of such efforts and the wickedness of exciting hopes which must be disappointed. We might as well cry silence to the thunder, and bid the tempest cease. Things will take their course in the moral as well as the natural world. When men raise their feeble arms and build their weak barriers, the flood is stayed but to accumulate a greater force and whelm the deeper in the furious waves. To parry, to palliate, is all that man can do. They may delay, may give facilities, but they cannot RELIEVE. *The people must pay their own debts at last.* This truth should be impressed upon them, their eyes should be turned from banks and the Legislature to themselves,—their own power and resources. Few need despair. Industry never died with hunger. Economy never went without its reward. The Legislature can do little,—the people can do much. Let both do what they can, and our country will soon be easy and tranquil, if not prosperous and contented."<sup>60</sup>

The relief men answered with much impatience the argument that the people themselves must work their salvation and do so without the aid of the Government. What, they asked, was a Government for, if it was not to relieve the people in their distress? A legislative committee said: "Our people had a right to expect relief, and to effect which, they commenced a system of economy and retrenchment; but this alone was too slow for those who were already struggling with the storm, and we are happy in the belief that this bank saved many worthy citizens in an important crisis.—The commonwealth, like a wise and beneficent parent, gave to her children bread in time of need. To conduct prudently, and not abuse this institution, ought to be the object of all." Continuing, it declared: "Your committee have always believed that republican governments were instituted for the happiness and safety of their people, and, although the bank of the commonwealth has been deprecated by many as unconstitutional, which cannot be admitted according to a just construction of that instrument, but which we consider as founded upon sound wisdom; yet the better feelings of the human heart cannot avoid responding with a noble pride, that it has been able to carry joy and gladness to the homes of the distressed, the unfortunate and enterprising mechanic, farmer and merchant whose all would have been sacrificed perhaps at one tenth of its value. Your committee believe that *moral principle* would as much oppose one citizen taking the property of another for one tenth or twentieth part of its value, under *sanction of law*, as if it was taken *without law*. The bold and intrepid robber, who takes our property by violence, cannot have a worse conscience than the man who coolly and deliberately deprives his neighbor of his home, without *any consideration, under pretext of justice*. Moral principle and honest feeling equally forbid both."<sup>61</sup>

As heretofore intimated the replevin laws were strongly assailed as being nothing less than the virtual repudiation of contracts. Niles declared that he has always "entertaining an opinion that proceedings of this nature must needs operate for the benefit of a designing few at the cost of the honest many—and, that for one deserving person whom they really assist or preserve, they break down and destroy at least twenty others, as well entitled to the public concern as that favored one."<sup>62</sup> At a Fourth of July dinner in 1822, Isaac Shelby, now beyond the allotted years of man, gave this toast: "The relief measures are demoralizing, impolitic and unconstitutional—may they be crushed."<sup>63</sup> But the relief

<sup>60</sup> *Autobiography of Amos Kendall*, 246.

<sup>61</sup> *Niles' Register*, Vol. 23, p. 235.

<sup>62</sup> *Niles' Register*, Vol. 22, p. 386.

<sup>63</sup> *Ibid.*

men seemed to think that they should be praised for their forbearance in not having all private debts repudiated outright. By one it was stated: "In times not worse than these, the legislator of Athens, *Solon*, abolished the debts; but the Kentuckians were too magnanimous to think of such a measure; all that the debtors were looking for was time to pay."<sup>64</sup>

The replevin laws were more difficult to defend than the bank, and they were designed from their very nature for a shorter duration. In January of 1824 these laws were abolished and there was substituted in their place as a gradual departure from the whole principle a law requiring that all property taken in executions should be valued in gold or silver and that it must bring at least three-fourths of this value. In November, 1825, Governor Desha stated that their operation had almost ceased to be felt in the courts of the land.<sup>65</sup>

This period of hard times and relief remedies agitated the state to its very center. Questions arose which called not for mere theoretical discussion; they concerned vitally every person in the state who was either creditor or debtor. Private property was at stake, the accumulations of a lifetime. There was no wonder then that two parties should arise, intensely hostile and aggressive. Relief meant the salvation of the debtor, but the ruination of the creditor. It was only natural that the more conservative people, who had steered away from the orgy of speculation and consequent debts, and the more fortunate who had emerged as creditors through chance or sharp practices, should band together in solid opposition to measures which meant ruin to themselves. The debtors for like reasons—and they were a majority of the people—would use every agency in their power to secure relief from their improvidence and misfortune. The state thus found itself arrayed in two new divisions based on new principles and conditions, commonly known as the Relief and Anti-Relief parties. The former was led by such men as Rowan, Barry, Bibb, Kendall, Sharp, Desha, and Adair, men of great ability who were yet to win many honors in state and nation,—the first three of whom were characterized by a critic of the times as "men of Talent" and by repute "irredeemably Insolent." The leaders of the Anti-Relief party were such men as George Wickliffe, Ben Hardin, George Robinson, John J. Crittenden, Flournoy, Green, John Pope, and John J. Marshall, also men of renown present and future and according to the same critics, "men of integrity, talent and patriotism."<sup>66</sup> With two parties led by two groups of men equally talented and aggressive, and with the cleavage based on principles so fundamental and vital as those embraced in the relief system, the state was destined to go through with a contest which at times approached Civil war and threatened the very organization of society itself.

<sup>64</sup> *Liberty Saved* (A contemporary pamphlet, propaganda for relief), 8.

<sup>65</sup> Message of November 7, 1825 in *Niles' Register*, Vol. 29, p. 221.

<sup>66</sup> *Letters on the Conditions of Kentucky in 1825* (Reprinted from the *Richmond Enquirer*; author unknown; edited by E. G. Swem, 1916), 10, 11. See also Doolan, "Old Court—New Court Controversy" in *Green Bag*, XI, 184; *Lafayette to the People*, 9, 10.

## CHAPTER L

### THE STRUGGLE AGAINST THE JUDICIARY—OLD COURT AND NEW COURT

Doubt had been felt by some from the time when the replevin laws were first introduced in the Legislature that they were unconstitutional. Their direct intention was to make the remedy more difficult for carrying out the obligations of a contract, and their practical result was to satisfy and cancel debts with actually a less value than was stipulated in the contract. And it was not infrequent that through the mutations of time and fortune the contract was never carried out at all. The whole relief system was indeed questioned and challenged, but the Bank of the Commonwealth, as before noted, was able to finally win out on the point of constitutionality in the United States Supreme Court; however not without many people disagreeing.<sup>1</sup> A case involving the replevin laws soon arose in the state courts. One Williams brought suit against one Blair in the Bourbon County Circuit Court to force the payment of \$219.67½ immediately, instead of waiting the two years allowed by the replevin law. The plaintiff claimed that the two years' stay of execution was in violation of the Constitution of the United States as well as of the State of Kentucky, and was, therefore, null and void. Judge James Clark who occupied the bench at this time, delivered the opinion. He proceeded with much hesitancy and diffidence mindful of the "heavy responsibility he must incur"; but it was clearly his duty to dispose of the points involved, even to the extent of judging of the constitutionality of acts of the Legislature. He cited the clause in the Federal Constitution which declared that no state should have the right of making a law "impairing the obligation of contracts," and said that the states in accepting the Constitution had agreed to that provision. Not only had Kentucky accepted this principle by her entry into the Union, but she had specifically incorporated it in her own constitution by stating that "no ex post facto law, nor any law impairing contracts, shall be made."<sup>2</sup> He then stated the principle of law, which has since become well-established, "that a law to release one party without the consent of the other, in whole or in part, from the payment of a sum of money which he has stipulated to pay, or a law to change the day of payment to a shorter, or a more distant day, would impair the obligation of the contract. It is equally clear that if one party, without the consent of the other, is permitted to do the thing in a different manner, or at a different time from that agreed upon, and thereby mitigate at his own will and pleasure the terms of the contract, the obligation is not preserved." With equally convincing argument Judge Clark dealt with other points involved. He stated, in closing his decision. "The opinion I have expressed on this

<sup>1</sup> George Robertson, for many years chief justice of the Court of Appeals of Kentucky, said, "There is much reason for doubting the correctness of these decisions by the national judiciary—and, if they be maintained, there is good cause for apprehending that the beneficent policy of the interdiction of State bills of credit may be entirely frustrated, and the constitutional prohibition altogether paralysed or eluded." "Sketch of the Court of Appeals" in Collins, *History of Kentucky*, I, 495.

<sup>2</sup> Art. 10, sec. 18.

subject, I am aware, is different from that entertained by some of the most intelligent and patriotic citizens of this state," but he felt it was his duty to interpret the laws and the constitution as he understood them.<sup>3</sup>

This decision had an electrical effect on the relief supporters. They were chagrined and alarmed—chagrined because a mere circuit court judge had interposed his supposed authority against the will of the people expressed in their legislature, alarmed because it pointed to a branch of the government which was beyond their reach in elections and which might seek to completely undo the relief laws. Judge Clark would be made to answer at the first opportunity for his bold course which smacked almost of impertinence. As it happened a special session of the Legislature was called for May, 1822, for the purpose of re-arranging the congressional districts of the state preparatory to the addition of two additional representatives in Congress, and action could, thus, be taken six months earlier than ordinarily. Soon after the Legislature met a resolution was introduced, stating that as Judge Clark had "given a decision in contravention of the laws of this commonwealth, called the endorsement and replevin laws, and therein has grossly transcended his judicial authority and disregarded the constitutional powers of the legislature of this commonwealth: Therefore,

*"Resolved, That a committee be appointed to inquire into the decision of the said judge, and report thereon to this house."*<sup>4</sup> Three days later the committee reported that "The principles and doctrines assumed in this opinion are, in the opinion of your committee, incompatible with the constitutional powers of the legislative department of this government, subversive of the best interests of the people, and calculated in their consequences to disturb the tranquillity of the country, and to shake public confidence in their institutions and measures of the government, called for by the condition and the necessities of the people." Sensing the danger of a rising judicial tyranny, it stated that it was not prepared to admit "That the judicial department has a power, beyond control, to defeat the general policy of the state, deliberately adopted by the representatives of the people." As a remedy it recommended the following resolution: *"Resolved by the general assembly of the commonwealth of Kentucky, (two-thirds of each branch thereof concurring), that the Hon. James Clark, one of the circuit judges of this commonwealth, ought to be removed from office. \* \* \*"* By a vote of sixty-three to thirty-two an order was issued citing Judge Clark to appear before the bar of the House and show cause why he should not be dismissed. Shortly thereafter, instead of appearing in person, Clark sent an extended letter justifying his course.<sup>5</sup>

Clark's defense was scholarly and convincing. He boldly, at the outset, took a strong position, absolutely eschewing any truckling excuses or mitigating circumstances. He said his decision had been given "after the most mature deliberation which I was able to bestow, and from a firm conviction of the correctness of the principles there mentioned; and I must have been not only faithless to my own conscience, but to the Constitution of the United States and the dignity due to the judicial office, had I expressed any other opinion, under the conviction I had upon the subject." He then entered into a long discussion of the right of a judge to declare a law unconstitutional, reasoning not only from logic, but also quoting the more direct statement from the Kentucky

<sup>3</sup> This was the case of *Williams v. Blair*, which is given in full in *Niles' Register*, Vol. 23, Supplement, pp. 153-155.

<sup>4</sup> *Niles' Register*, Vol. 23, Supplement, p. 155.

<sup>5</sup> "Response of Judge James Clark, to the charges exhibited against him in the house of representatives, at their extra session in May, 1822" in *Niles' Register*, Vol. 23, Supplement, pp. 156-160.

constitution: "To guard against the transgression of these high powers, which we have delegated, we declare that every thing in this article [bill of rights in Article ten] is excepted out of the powers of the general government, and shall ever remain inviolate; and that all laws contrary thereto, or contrary to this constitution, shall be void." Not only had the Federal judges declared laws of Congress unconstitutional in numerous instances, but the judges of the Kentucky courts had judged likewise laws of the Legislature. "I may here ask why it is," he continued, "if, since the organization of our government few years have elapsed without some of the laws passed by the Legislature being declared unconstitutional, no instance is to be found in which the general assembly have been asked by any member to exercise this power of removing a judge from office, for their judicial encroachment, as it is now termed? Have our statesmen, heretofore, been less vigilant, less wise, and less devoted to the interests of our country, than those of the present day? Shall those men who assisted in forming our constitutions, those whom we have heretofore boasted of as the pride of our state, and patterns for emulation, be cast in the shade by the doctrines advanced by this occasion?" It had not only, then, been a common practice among the judges of the Court of Appeals of the state to declare acts of the Legislature unconstitutional and, therefore, null and void, but it had been equally common among the judges of the inferior courts. And even more than that, the very replevin laws, themselves, had been held unconstitutional, so that if the Legislature wished to "make an example of the first judge who dared to differ from them in opinion," it might take cognizance of a decision of Judge Booker in the Hardin County Circuit Court in 1821, or of Judge Oldham in the Jefferson County Circuit Court of the same year, or even of Judge Broadnax in the Union County Circuit Court. "Those decisions have not only been given on a branch of the same system of laws," he declared, "but upon a different section of the same law brought before me in the case I decided. These decisions were publicly given, have been generally known, and the records containing them, seen by many. I cannot, therefore, persuade myself that I am to be made the first victim, for pursuing doctrines so long in use, so matured by experience, and so entirely incorporated in our constitutions and in the political and judicial histories of our country." There was no hinting at corruption or arraigning of motives, and if it was to be a case of running a race of opinions, Judge Clark gave a timely and prophetic warning that "If for a difference of opinions between the general assembly and the judges, where there motives cannot be impeached, they are to be removed from office, is it not to be apprehended that they will, in future times, become the subservient creatures of the predominant party in the general assembly, and their decisions upon constitutional law become as fluctuating and changeable as the varying temper of the times?"

A lively debate arose after the reading of Clark's defense, which occupied the whole day. The Judge's defenders not only reiterated and amplified the doctrines and arguments he had expounded but also used with strong effect the point that the opinion of the judge of a Circuit Court could not be final, and that in the present instance the case had already been appealed to the Court of Appeals where the final disposition would have to rest. The resolution to present an address to the governor for his removal was then voted upon. It resulted in fifty-nine being in favor of removing Clark with thirty-five opposed. As the required two-thirds was lacking the resolution failed. It was said that a majority in the senate were against his removal. The removal of a judge by address (requiring a two-thirds majority of both houses) was a constitutional method of getting rid of a judge "for any reasonable cause which shall

not be sufficient cause for impeachment," and had won the hearty praise and support of the Virginia statesman, John Taylor of Carolina. It was not a settled principle as to what a "reasonable cause" insufficient for impeachment should be; but it would not be a far-fetched interpretation to assume that it was designed for such cases as the present one. However impolitic or dangerous such a procedure might be, it at least could not be called clearly unconstitutional; and had the required two-thirds majority vote been forth-coming, no other course could have been left to Judge Clark but to bow to the inevitable. But as argued by the Judge, the judicial independence of the courts would have been destroyed. The defense of Clark was excluded from the Journals of the Legislature, either through the fear of its effect on the relief cause, or through petty spite. When chided for this action, the legislative leaders declared it would receive all necessary publicity in the newspapers.<sup>6</sup>

In their first attempt to control the courts, the Legislature thus failed. One of the arguments that had caused some members who were in favor of the relief laws to vote against addressing Clark out of office was that the highest court of the state had not yet acted on the question, and that no permanent damage could be done to the cause until that happened. But this argument soon vanished, for in the early part of October of the next year (1823) the Court of Appeals re-affirmed the decision in the main of Clark. Two of the judges held that the relief laws were constitutional as to the transactions made subsequent to the passage of the laws, but void in all prior cases, while the third maintained that the laws were unconstitutional in every respect, in transactions before the passage of the laws as well as afterwards. The three judges, who composed the court, Boyle, Owsley and Mills, handed down separate opinions; but the substance of their argument, dispensing with much theoretical reasoning and logic was: that the obligations of contracts consisted of the law and usage of the place and time where and when they were made, and that any subsequent legislation that impaired the legal remedy for maintaining or enforcing the contract, impaired its obligations just to that extent, that if the retroactive extension of replevin to two years did not impair the obligations of a contract, then its extension to 100 years would not, and that if this did not, then the denial of all legal remedy for all time could not.<sup>7</sup>

To the Relief Party, the overt act had been committed. The highest court of the state had confirmed their worst fears; the whole system of relief was to be torn down by three men who had never been elected by the people, in contravention of a program set going by the people's representatives. Governor Desha said later: "The legislature and the country were startled at this decision. It declared void a course of legislation which had been practiced, as of unquestioned authority, from the origin of our government. It wrested from the representatives of the people the power to suspend the operation of the laws in any case of contract, even in time of insurrection, war, pestilence or famine. It denied to this government a power which, it is believed, has been exercised by every government of every civilized nation, as well as by every state in the union, and which is sometimes essential to nation existence. If our humble and industrious population is called out in martial array to suppress an insurrection, which is desolating the country, is it not necessary that the coercive hand of the law shall be suspended while they are engaged in the service? If they volunteer or are drafted and sent to repel an invading enemy, is there no power in the government which com-

<sup>6</sup> *Kentucky Gazette*, June 6, 1822.

<sup>7</sup> Doolan, "Old Court—New Court Controversy" in *Green Bag*, XI, 181; *Niles' Register*, Vol. 25, p. 147; Collins, *History of Kentucky*, I, 495, 496. There were two cases in point, viz.: *Blair v. Williams* and *Lapsley v. Brasher*.



pels them to march, to suspend the operation of the laws and prevent the sacrifice of their property in their absence? By the decision of our courts, these benign and just powers are denied to the state legislature, and the rigid enforcement of contracts is deemed of more importance than justice to the absent debtor or the safety of the republic."<sup>8</sup>

The handing down of these decisions stirred up and lashed to a fury the passions of the people, and according to George Robertson, "No popular controversy, waged without bloodshed, was ever more absorbing and acrimonious than that which raged, like a hurricane, over Kentucky for about three years succeeding the promulgation of those judicial decisions."<sup>9</sup> When the Legislature met, feeling waxed high against the court. A set of resolutions supported by a long drawn out argument was passed in December denouncing the court as an intolerable tyranny and bitterly arraigning it for thwarting the will of the people so clearly expressed through the Legislature. It made bold to inform the judges that "the legislature cannot, ought not, and will not furnish any facilities for its enforcement, and as for the relief laws, 'whether they were or were not expedient, are believed to be constitutional and valid; and which should, when it shall be thought to be expedient to do so, be repealed by the Legislature, and not by the Appellate Court.'" These resolutions were adopted by the House fifty-six to forty.<sup>10</sup> An address to the governor was contained in the document, calling upon him to remove the obnoxious judges from office. But again due to the lack of a two-thirds majority the effort failed.<sup>11</sup> The judges replied in a long and logical defense of their actions. Again they declared that the replevin laws violated the obligations of contracts and that the court had the right to declare a law unconstitutional. They also warned the Legislature and the people of the serious consequences that would follow if the court's decisions were resisted. The state would soon find itself in a condition of anarchy, and another Shay's rebellion would be enacted. The Federal courts, it was declared, would uphold the Kentucky courts in carrying out the remedy protecting the obligations of a contract, for such remedy was protected as much by the Federal Constitution as by the State Constitution. And as for being a judicial tyranny, the courts were so constituted in the framework of government that they could never become such through themselves alone, but only by being manipulated as a tool for the Legislature or the executive. "The ambitious man, who meditates supreme sway over his country's destinies," they said, "never mounts the Bench. He mounts the 'stump' and winds himself into public favor, by flattering the prejudices and passions of the majority, as the serpent decoyed Eve. \* \* \* No country was ever legislated out of debt, nor ever will be."<sup>12</sup>

A general feeling had been growing up against the state judiciary from the first days of the relief program. It was charged that the judges formed a class apart from the rest of the Government, that they were not amenable to the people, being appointed and holding office for life or through good behavior. A Kentuckian styling himself, "Gracchus" said, "If a body thus constituted and organized, possessing all these powers, advantages, and emoluments, and an identity of interests, be not a most rank and flourishing *aristocracy*, it is difficult to say what an *aristocracy* is."<sup>13</sup> The judges in certain instances had made themselves obnoxious by taking too prominent a part in the political campaigns. It

<sup>8</sup> Message to the legislature, November 7, 1825 in *Niles' Register*, Vol. 29, p. 221.

<sup>9</sup> Robertson, *Scrap Book*, 49.

<sup>10</sup> *Ibid.*, 49, 50; *Acts of Kentucky*, 1823, pp. 488-516.

<sup>11</sup> Collins, *History of Kentucky*, I, 496.

<sup>12</sup> Robertson, *Scrap Book*, 51-74.

<sup>13</sup> *Kentucky Gazette*, Jan. 24, 1822. He also included the sheriffs in this statement.

seems some members of the judiciary made themselves very conspicuous in the gubernatorial election of 1820, a condition which provoked "Marcellus" in the *Kentucky Gazette* to say, "With astonishment, \* \* \* I have seen our judges the most active partisans in our last gubernatorial election; some as letter writers; some as certificate men; some as caucus men; and some as hand-bill circulators."<sup>14</sup> Schemes were soon forming to bring the judiciary under a closer control of the people. It was suggested by one reformer that the Court of Appeals should be divided into three branches to meet in three separate places over the state, and in that way break up its concentrated power at Frankfort. This was advocated especially by the representatives of the Relief Party. The Anti-Relief Party opposed such a move as amounting to the virtual setting up of three separate courts which would bring about confusion and the final extinction of any court of final appeal.<sup>15</sup>

The most important effort indirectly to control the courts or to at least bring them closer to the people was the rather widely agitated movement for the calling of a constitutional convention. These efforts became especially marked after Judge Clark had delivered his opinion in *Williams v. Blair*. The relief party believed that if a constitutional convention could be had, the constitution could be changed to make the judges elective and a fixed term of office be given. This was a much less radical way of proceeding than to stand out for the annulling of the authority of the court by refusing aid to it in carrying out its decisions, and even less dangerous in arousing popular passions than the constitutional method of address. This method would, therefore, command much more support from a much larger number than could be hoped for in a more violent course. The supporters of a call for a convention needed not even to be relief men, but might come from all classes that hoped to profit from a convention in various ways. The directive force was, however, being applied by the relief party, and for the specific purpose of changing the judiciary. The session of the Legislature in 1823 took up the question, with the result that a bill calling for a convention was passed in the House by the substantial majority of fifty-six to thirty-three, but was defeated in the Senate by a close vote.<sup>16</sup> The opposition, composed of the Anti-Relief Party for the most part and of every other species of conservative, used devious argument, specious and otherwise, in their efforts to defeat the bill. They conjured up the most unusual evils with which to scare the people. The slaves might be freed by a convention, the very order of the state might be subverted—the same line of argument used in 1798. Remarking on such a puerile course, the *Kentucky Gazette* said, "We have no rabble in Kentucky to lead, but have a number of ardent minded citizens too much disposed to listen to strange tales of ghosts and hobgoblins, such as are now preparing to defeat a convention bill. The first light touch at demagoguing is the story of the removal of the seat of government from Frankfort. The second touch is, that the University will be removed from Lexington. These events are mentioned for the latitude of Franklin and Fayette, as if the citizens of those counties had ceased to reflect, or never possessed common intellect."<sup>17</sup>

Defeated in their efforts to call a convention and balked in their attempts to address judges out of office, the relief party determined upon capturing the state government so far as it could be accomplished through the ballot. Besides a legislature, a governor was also to be elected during the following summer. The relief question had not played a conspicu-

<sup>14</sup> Oct. 5, 1820.

<sup>15</sup> *Kentucky Gazette*, Nov. 21, 1822.

<sup>16</sup> *Kentucky Gazette*, Nov. 20, 1823; *Niles' Register*, Vol. 25, p. 230.

<sup>17</sup> Nov. 20, 1823.

ous part in any gubernatorial election heretofore. The last previous election for governor (1820) had true to Kentucky customs in politics and political campaigns, ranged around the most remote escapades and happenings in which candidates figured, embracing prominently military blunders and successes. Principles of immediate concern were almost forgotten in the efforts put forth to discredit or elevate some candidate. In the election of 1820 an unusually large number of candidates were spoken of or actually entered the field. Besides many local celebrities, Henry Clay for a time was mentioned as a possible contestant.<sup>18</sup> By the time the election was near at hand, the numbers had simmered down to four, all of whom were voted on. These were Adair, Logan, Butler, and Desha. The campaign early developed into a process of re-enacting the past lives of the candidates, with the military side assigned the leading role. Men without a military career stood little chance, and men with such a career were hard put to it at times to defend themselves from the verbal onslaughts of their opponents. Battles were fought over again, and campaigns picked to pieces in these attempts to discredit candidates—not so much how they stood on vital questions of the day, but why did they carry out certain maneuvers in a battle fought six, twenty-five, or forty years ago.<sup>19</sup> Adair was less susceptible to such attacks for he had won the applause of his fellow-citizens in his bold defense against Jackson's aspersions against the Kentucky troops at the battle of New Orleans; but his political enemies had not forgotten the Burr episode and the mysterious part that Adair played in it. His minutest moments were sought to be linked up with Burr, even to long-drawn-out accounts of his holding frequent midnight councils with Burr while he was in Frankfort. One Kentuckian, who had not yet ceased to despise Burr, gave this opinion on what constituted the fitness of a candidate: "The veneration you have for the memories of your illustrious fathers requires that if you should believe Adair was the associate of Burr in his wicked schemes, you should select some other man to perform the executive duties of your state."<sup>20</sup> To establish his connection with the Burr affair in its true light and to show his own innocence of disloyalty to the nation, all of which he hoped would set at rest the chimerical stories that might be manufactured to defeat him for governor, Adair brought suit against James Wilkinson for false imprisonment (Adair having been arrested by him in New Orleans when the Burr conspiracy was being broken up), and received \$2,500 damages in the Natchez court.<sup>21</sup> Adair was able to win the election only by slightly more than 500 votes over his nearest competitor, Logan.<sup>22</sup>

But between 1820 and 1824, politics was undergoing a complete change in the state. After all, why fiddle when Rome was burning? Was it not more profitable to judge the fitness of a candidate by his views on the vital questions of the day than to resurrect hazy stories of certain mistakes he may have made a quarter of a century past? The accumulations of a lifetime should not be put in jeopardy in order to discuss the strategy of a battle. The election of 1824 gave proof of the change. The events of the past few years, as already noted, had set the people to thinking of their immediate concerns and had given rise to parties based on these concerns. John Quincy Adams had said in 1822, that the people in Kentucky were "in a flame of internal combustion, with stop

<sup>18</sup> *Niles' Register*, Vol. 17, p. 351.

<sup>19</sup> See *Kentucky Gazette*, June, July, etc., 1820.

<sup>20</sup> *Kentucky Gazette*, June 20, 1820. Article by "Ligarius."

<sup>21</sup> *Niles' Register*, Vol. 15, p. 416. Wilkinson had the brazen effrontery to ask of Congress recompense for these damages. This case was decided in the latter part of 1818.

<sup>22</sup> The vote stood, Adair, 20,493; Logan, 19,947; Desha, 12,419; and Butler, 9,567. *Kentucky Gazette*, Aug. 31, 1820; *Niles' Register*, Vol. 19, pp. 16, 48.

1822 || laws, paper money, and hunting down Judges, in which Clay is on the unpopular side, which at this time is the side of justice."<sup>23</sup> There were now fewer candidates for there could be but two great principles involved—instead of the personality and life history of as many as chose to enter the lists. The relief party put forward Desha because he stood for the continuation of the relief system and for the destruction of all opposition, including the judges if they chose to stand in the way. Tompkins was the candidate of the Anti-Relief Party. The campaign was hard fought, with scarcely a Kentuckian so mean as not to take a lively interest. It was fought out not only with words, but, indeed, with material weapons close at hand. So bitter was the feeling between the two parties in Lexington, that a small riot broke out, which resulted not only in many bruises, but in the destruction of some of the city's paved streets; for the cobble stone pavements afforded a handy supply of missiles, which were supplied in great quantities by a "labor battalion" armed with picks and crow bars. The fight was fast developing toward a battle of fire-arms, when the two opposing candidates for the Legislature arm-in-arm walked down the street between their battling partisans, and thereby broke up the fight.<sup>24</sup> Desha carried on a vigorous campaign. It had long been his ambition to become governor, and he had in the meanwhile been laying his plans and building up his support. He found the distemper of the times much in his favor, and so made all the possible use of it. Much misinformation on the actual contest with the judges was spread over the state, and those people who depended only on their political leaders to inform them were grossly misled in places. Desha was willing to ride both horses, if by so doing he could gain the election. In some parts of the state the people had been informed that the judges had actually denied the Legislature the right to make laws and had assumed, themselves, the sovereign power. Here the watchword became "Liberty or slavery," and Desha was hailed as the only salvation for the state. In other parts of the state where the sentiment was against relief laws and favorable to the position the judges had taken, Desha assumed a very conciliatory attitude, declaring that he was "not in favor of removing a judge from office for an *honest opinion*."<sup>25</sup> In the election which took place in August, 1824, Desha was elected by a majority of more than 10,000 votes.<sup>26</sup> Due to Desha's campaign methods, however, this vote could not be considered as meaning an overwhelming victory for the relief party principles.<sup>27</sup>

But the relief party held that the election of Desha was a mandate to them to proceed against the offending judges. Soon after the Legislature met a committee of four from the Senate and eight from the House was appointed to investigate the judges "and report thereupon by address for their removal."<sup>28</sup> On December 20, a set of resolutions and an address against the judges was voted on by the House, and passed sixty-one to thirty-nine, and by the Senate twenty-three to twelve. Again did they fail, for the two-thirds majority was lacking.<sup>29</sup> Again were they cheated out of a victory not because a majority was not in favor of the proceeding, but because a two-thirds majority could not be had; their cup of exasperation was full to running over. All sorts of methods had been attempted in their campaign in the interests of the people against

<sup>23</sup> *Memoirs of John Quincy Adams*, VI, 57.

<sup>24</sup> Ranck, *History of Lexington*, 301.

<sup>25</sup> Robertson, *Scrap Book*, 78.

<sup>26</sup> *Kentucky Gazette*, Aug. 26, 1820.

<sup>27</sup> For instance a banquet was given Desha soon after the election at which hearty felicitations were offered by leaders of both parties. Henry Clay was among the guests. *Kentucky Gazette*, Aug. 26, 1820.

<sup>28</sup> *Acts of Kentucky*, 1824, p. 214.

<sup>29</sup> Doolan, "Old Court—New Controversy" in *Green Bag*, XI, 181.

the judicial tyrants. Constitutional convention had failed, so had removal by address. By some it had been suggested that if the judges could not be removed in their persons, then their salaries might be cut off so that the people would not at least be charged with paying for being tyrannized over. It was actually strongly argued that the salaries of the judges be reduced to 25 cents a year.<sup>80</sup> As the constitution was silent on salary reductions, this move would presumably have been valid. However, this was only a half way measure at best; it would not remove the judges from their power. But the Senate had much earlier decided on a more radical course of action. On December 9, it had passed a bill to abolish outright the Court of Appeals, and thereby be rid forever of the evil judges.<sup>81</sup> The House, now that all methods short of abolition of the court had failed, voted on December 24 "an act to reorganize the Court of Appeals." As this was a simple act of the Legislature, it required only a majority vote, which was had in the final result of fifty-four to forty-three. The debate had raged fiercely throughout the whole day of the twenty-third and continued on into the night, for it was feared if action were postponed that something might arise on the morrow when the proceedings would become known that might balk the final passage of the bill. The debate and parliamentary maneuvers went on, with Governor Desha on the floor rallying the relief forces at every point. Finally at midnight or slightly beyond the vote was taken "amid scenes of the wildest excitement, in which personal encounters were narrowly averted, while the governor and lieutenant governor were mingling in the tumult on the floor of the House." After the bill had been passed the governor hurriedly signed it. This midnight session was described by one person as resembling "a camp night-meeting, in confusion and clamor; but it lacked its holy impulse. Heaven approves the one; Satan himself, it is thought, presided over the orgies of the other."<sup>82</sup> One of the staunch anti-relief men declared in the course of the debate: "There will be no peace until this question is settled fairly. You will only multiply difficulties, and increase the inflammation of the public mind, by passing this bill. It settles no principle. It establishes nothing, except that the judges cannot be constitutionally removed, to give place to some hungry expectants, who are unable to live without some nourishment from the treasury paps—the springs of whose patriotism is money—the object of whose outcry against the judges is to get their places."<sup>83</sup>

By the so-called reorganization act the old Court of Appeals, consisting of the three judges, Boyle, Owsley and Mills, was declared abolished and its judges with it; and there was set up in its place a "new supreme court, styled the court of appeals," with four judges to administer it. Their salaries were to be \$2,000 annually, in Commonwealth paper, making the court cost the state \$8,000 as compared with \$4,500 for the old Court of Appeals.<sup>84</sup> The new Court of Appeals was speedily filled with relief party men, the first appointees being William T. Barry, chief justice, and James Haggin, John Trimble, and B. W. Patton (afterwards succeeded by R. H. Davidge), associates. A war of words now ensued between the old court judges and the Legislature. Again the Legislature in a lengthy document argued against the judicial doctrines set forth in the cases of *Blair v. Williams* and *Lapsley v. Brasher*, declaring that they "do most deliberately and solemnly, again, in the name of the good people of the Commonwealth, protest against the obnoxious principles of those

<sup>80</sup> S. M. Wilson, "The Old Court and New Court Controversy in Kentucky" in *Proceedings of Kentucky State Bar Association*, 1915, p. 51.

<sup>81</sup> Robertson, *Scrap Book*, 75.

<sup>82</sup> Doolan, "Old Court—New Court Controversy" in *Green Bag*, XI, 182; Robertson, *Scrap Book*, 127.

<sup>83</sup> Robertson, *Scrap Book*, 76-90.

<sup>84</sup> Collins, *History of Kentucky*, I, 31; *Niles' Register*, Vol. 27, p. 354.

decisions, as encroachments upon the fundamental principles of freedom and the inherent rights of the people."<sup>85</sup> The judges were little disposed to bow to the Legislature; they boldly attacked the Legislature with telling argument showing in the first place why they had the right to declare an Act of the Legislature unconstitutional, and in the next place why the Legislature had not the slightest power to abolish the old Court of Appeals. On January 11, the Legislature replied in a long preamble and resolution "vindicating the constitutionality of Replevin Laws, and the right of the Legislature to remove Judges for error of opinion. \* \* \*" It stated that the Legislature by a two-thirds majority had the right to remove judges "for any mere error of judicial opinion, which does not amount to misdemeanor in office, notwithstanding that error shall have been committed in the course of judicial decision, if it shall inflict upon the community such injury as in their belief shall amount to a *reasonable cause* for his removal from office. \* \* \*"<sup>86</sup>

With the triumph of the relief party, it seemed for a time that the anti-relief forces were hopelessly scattered and disorganized. But under the undaunted leadership of George Robertson, a member of the Legislature at this time, the shattered remnants were soon being knit back together. Immediately on the passage of the reorganization act, he wrote out a masterful protest of the minority, which on being presented to the House, was unceremoniously ordered to be entered on the journals without being read. A copy which was read in the Senate was refused a place on the journals of that body. Soon afterwards a relief senator appeared in the House and told Rowan that such a document circulated through the House journals "will blow us sky-high \* \* \* if you don't kick it out of your House." A reconsideration was immediately moved and the document was excluded.<sup>87</sup>

This action only served to heighten the importance of the protest; it was eagerly devoured by the people and led to the formation of the opposition against the New Court and its supporters. Party names now registered a change. The relief party came to be popularly termed the new court party or with some referred to as the judge breakers, or country party. The anti-relief party took on the name of old court party. These parties continued practically the same cleavage in the population of the state as prevailed in relief days. The new court party were attacked often and vehemently as being composed largely of certain rich debtors and broken-down politicians whose main purpose was to obtain office and feed at the public treasury. They led the uneducated rank and file of the party, making dupes of them for their own aggrandizement. They promised them impossible things, raising hopes only to later disappoint them. A letter addressed "To the Governor Elect of Kentucky" said: "To the honest debtor they promised indulgence, and better times; to the fraudulent and improvident, they tendered the means of avoiding payment, to the extravagant they offered facilities of enjoyment; to the lazy they secured rest; to the cunning they surrendered the ignorant as victims; they encouraged treachery by impunity, and fraud by legalizing its spoliation on innocence and industry; and thus they rallied around their standard the unproductive members of society, and gave up justice to passion."<sup>88</sup>

The old court party, consisting of the more conservative people of the state, included a majority of the lawyers, business men, and large land owners. They were roundly assailed as soulless Shylocks who

<sup>85</sup> *Acts of Kentucky, 1824*, pp. 221-239. These resolutions were passed on January 6, 1825.

<sup>86</sup> *Acts of Kentucky, 1824*, pp. 242-273.

<sup>87</sup> Robertson, *Scrap Book*, 91; Collins, *History of Kentucky*, I, 496.

<sup>88</sup> Robertson, *Scrap Book*, 109.

thought more of their own property than for the welfare of their commonwealth. A new court man said, "The Banks (with the exception of that in the hands of the people) devote their stockholders, their officers, and such of their debtors as they can intimidate to the support of a power, which has conferred such peculiar privileges on incorporated wealth, and all the patrician influence from whatever source it springs, whether from new made wealth and upstart arrogance, old family pride, or the young hopes of new ambitious aspirants, all is exerted in favor of a political combination, which in conspiring to destroy the force of the *public will*, gives to the rich, the great, the landed and monied gentry, their parasites, sycophants from the plebeian insolence, that power in the vulgar as they call it, which rebukes their pride and restrains their domineering spirit."<sup>39</sup>

This raid on the highest court of the state was not far afield of the habits of mind and thought that had been engendered in the average Kentuckian. He had seen the constitution violated before with impunity. The courts of the state had been changed and abolished heretofore, and judges had been thrown out of office because their jobs were destroyed, and they were not asked to fill new ones. True it was that the Court of Appeals had never been outright abolished before, but that was because the occasion had never arisen—and moreover the Court of Appeals even now had not been *abolished* but only *reorganized*. Not only had the Kentucky fathers abolished courts heretofore, but also had not the very maker of the nation itself done likewise? Thomas Jefferson from whom all good Kentuckians got their inspiration, and who was yet a sage among the living had brought about the repeal of the Judiciary Act passed by the federalists in the last days of their power by which they had set up a system of courts and filled them with federalists. Here the courts had been destroyed, so were the judges. Jefferson in the serenity of his old age at Monticello was appealed to by both factions in an effort to gain his support. Achilles Sneed wrote him telling how the Judge Breakers had twisted some of his writings and made use of them to their advantage. He wished the venerable statesman to write a word to the Kentucky people "to silence the discord and confusion which prevail among us. \* \* \* Yes, Sir, it may not only do this, but may put to rest a principle, unless nipped in its bud, the whole Union may feel its baleful influence."<sup>40</sup> In answer to a similar request from another Kentuckian, Jefferson said, "You wish me to give an opinion on the question which at present agonizes Kentucky, no, my dear Sir, at the age of 82 I have no inclination to volunteer myself into a question which convulses a nation. Quiet is my wish, with the peace and good will of the world. With its contentions I have nothing to do."<sup>41</sup> Although Jefferson refused to be drawn into the bitterness of Kentucky politics, his silence was construed by many as indicating his sympathy with the new court party. The so-called Jeffersonian precedent was being used constantly by the arguing Judge Breakers. One of them in a bitter tirade against the old court judges declared that "it appears that we are required by the proclamation issued by the *Judge in Bank* to reverse, not only the decision of our late General Assembly, but to condemn the precedent established by the illustrious Congress, which under the auspices of Mr. Jefferson, retrieved the Government from the dangerous doctrines of the Adams administration."<sup>42</sup> Governor Desha summed up the arguments of the new court party thus: "To end the controversy and rid the country

<sup>39</sup> *Lafayette to the People*, 12.

<sup>40</sup> *Thomas Jefferson Correspondence*, W. C. Ford, editor (Boston, 1916), 293. Letter dated April 20, 1825.

<sup>41</sup> *Ibid.*, 295. Letter to George Thompson, June 22, 1825.

<sup>42</sup> *Lafayette to the People*, 41.



of these erroneous and dangerous principles, the majority now deemed it necessary to resort to their constitutional power of abolishing the court and establishing another, composed of other men, and restricted in its power over the constitutionality of legislative acts. That they had this power they could not doubt; because the constitution had not brought any such court into existence, but the first Legislature of Kentucky had established it; because the power of changing and even of reorganizing it, had been once before exercised by the Legislature; because the Supreme Court of the United States, as avowed by the judges themselves, was created by Congress, because the power of reorganizing courts, and thus expelling their incumbents from office, had, repeatedly, been exercised by our own Legislature and by Congress; and because the ablest statesmen, in the latter body, had declared that the Supreme Court was as much the creature of the legislative power, as the inferior courts. Nor was this construction of our constitution thought to be dangerous to liberty, because it accords with the acknowledged principles of most, if not all of the constitutions formed during the Revolution, and most of them which have been formed since."<sup>43</sup> The logic was perfectly plain to the new court supporter that in the reorganization of the Court of Appeals the old judges were left without jobs. What could be more simple? The court was not made for the private benefit of three judges. "As the private benefit of a hired miller is not your object when you build a mill, and you do not want the miller when the mill is destroyed, so it is not for the private benefit of the hired judges, that you establish the courts, and as soon as the courts are undone, the judges which had been hired for them, are out of employment. You build another mill; but that does not oblige you to employ in it the miller of the former one; it may be, that the management of the new establishment is over his capacity."<sup>44</sup>

The new court leaders reiterated the arguments that the courts had the right to declare an act of the Legislature unconstitutional and that no right existed anywhere to destroy them for such a decision. They utterly denied that the Legislature had the right to interfere in the least with the establishment of the Court of Appeals, the question now before the people, for it was set up by the constitution and not by law despite the governor's quibbling arguments to the contrary. It was also pointed out that the courts that had been destroyed by Jefferson were set up by an Act of Congress and not by the Federal Constitution, and therefore had not the slightest force as a precedent for Kentucky to destroy her Court of Appeals.

The fight had in fact developed into a struggle between the legislative power and the judiciary. A person styling himself "A Cosmopolite Republican, or a Friend of Mankind" saw the question in its broadest aspects as one for the nation itself to sooner or later settle: "Though occasionally brought up by the relief system, it is now a national one, coming to the following dilemma: will the republic of the United States be overset or annihilated by the judiciary or the judges, elevating themselves over the law; or will the compound will of the people, ascertained by their majorities, continue to be the ruling power agreeable to the constitutions founded on the rights of man, and the judges restrained to judging suits, according to law, as it was intended in the beginning, and as it must be, if the republic is to continue standing? because wherever there is any controlling power over the laws, but the people assembled by delegates in legislative assemblies, assembled in conventions, there is not any more [a] republic."<sup>45</sup>

<sup>43</sup> Message to the legislature, November 7, 1825, in *Niles' Register*, Vol. 29, p. 221.

<sup>44</sup> *Liberty Saved*, 26.

<sup>45</sup> *Niles' Register*, Vol. 28, p. 308.

The question of the supremacy of the constitution as interpreted by judges over the power of the Legislature in the enactment of laws had engaged the attention of Kentuckians since the days when the region was a district of Virginia. The Danville Political Club had in 1787 debated the query: "If an Act of Assembly should be contrary to the Constitution, which ought to govern a judge in his decision?" and had decided in favor of the constitution.<sup>46</sup> Throughout the subsequent course of constitutional and legal development, the Legislature as a power most directly controlled by the people grew in the favorable estimation of the people at the expense of the judiciary. Indeed, as heretofore pointed out, the judges had early developed into the disfavor and suspicions of the people. The latter came to look upon this branch of the Government as their sure shield of protection against the tyranny of all others. "The legislative branch of our government," and the *Kentucky Gazette*, "is the foundation on which the people build their hopes: should this department fail in doing all we had a right to expect, still there is the consolation that it stands in the way of other departments, which might commit the greatest errors. If we support such a body sixty days in 365, to protect us from evil, it is not a bad bargain;" and alluding to the particular session of 1821, "but it would be very agreeable to hear that some few salutary measures were adopted by this body."<sup>47</sup> But in the days of the passage of replevin measures and bank laws, a disposition on the part of the more conservative citizens grew up to criticize this popular branch of the Government—especially as it was responsible for the unwise legislation that had helped to run the state further into hard times. But legislature champions were never lacking. The people's law-makers were as capable and honest as any other governmental department. The *Kentucky Gazette* declared, "Although it is not to be expected at this wicked period of a crazy old world that many honest governors or legislators remain, yet we do believe those chosen by the people at the present moment are as honest and as wise as the other branch of the government or equal to some of the precious few who can never perceive merit any where but in themselves."<sup>48</sup>

If laws were unconstitutional or unwise, it was no business of the judges to say so; let them confine themselves to their own duty of adjudicating law suits. The people in their chosen representatives were to judge of these other things. If a law was not desired by the people, they would elect a Legislature, which at the next session would repeal it—thus the people ruled and not the judges.<sup>49</sup> This doctrine was thus expressed on place cards at a banquet given to Governor Desha shortly after his election: "The Constitution of Kentucky: Its interpretation is known to the people of this Commonwealth, and is not to be found in the breasts of the judicial tyrants."<sup>50</sup> It was preposterous, they said, that a few judges beyond the reach of the people in their appointment and continuance in office, should declare the will of the people to be null and void and of no avail; it was, indeed, repugnant to all ideas of a republican form of government. "And where is the dictionary," it was asked, "where is the language in which there is such a change, in which the word *servant* signifies *master*, and the word *judging* signifies *overlegislating*, or even only making laws?"<sup>51</sup> To show how absurd was the whole

<sup>46</sup> Speed, *Danville Political Club*, 130.

<sup>47</sup> Dec. 5, 1821.

<sup>48</sup> May 16, 1822.

<sup>49</sup> See *Liberty Saved, or the Warnings of an Old Kentuckian to his Fellow Citizens on the Danger of Electing Partisans of the Old Court of Appeals* (Louisville, 1825) Pamphlet, iv.

<sup>50</sup> S. M. Wilson, "Old Court and New Court Controversy in Kentucky" in *Proceedings of Kentucky State Bar Associations*, 1915, 49.

<sup>51</sup> *Liberty Saved*, 16.

position of the judges, it was further suggested, "Had the judges the power of judging the laws, nothing could be law but their will; they would be more than kings; they would be dictators, despots, and the people would be their slaves.

"The sole judges of constitutions are the people, by their delegates or representatives, assembled in conventions.

"The sole judges of the laws are the people, by their delegates or representatives in the legislative assemblies.

"Any opinion, contrary to these truths, is monarchism."<sup>52</sup> It was even maintained by some that the power and will of the people (which was interpreted to mean only a majority) was so important and powerful that it should transcend even the constitution, for what is the welfare of a whole state compared to a musty piece of writing called a constitution?—"when gentlemen talk of the constitution, and point to *that little book*, as containing it, they talk nonsense—the will of the people is the constitution—the Legislature expresses the people's will."<sup>53</sup> Old Isaac Shelby, whose mind had not been misled or clouded by the heresies of the times gave the warning: "The Constitution must be a shadow if it be made to yield to the will of each impassionate majority and those essential principles of a free government for which we have fought and bled must cease to be our pride and boast."<sup>54</sup>

The new judges were appointed on January 15, 1825, and immediately set about preparing to open court. As the new court party controlled the machinery of the government the new judges proceeded regularly to organize using the Senate Chamber as a court room. Francis P. Blair was appointed clerk of the court and instructed to secure the records of the old court in order that business might begin. An order was issued demanding Achilles Sneed, the clerk of the old court, to deliver over all the court's property and records. Sneed refused to recognize the authority of this court, whereupon officers went to his office, and finding it locked, forced open the door and procured what they thought to be all the records and papers. Sneed was then summoned before the court and charged with contempt, was declared guilty and fined ten pounds. But it was soon discovered that the records of all pending suits had been hidden before the officers had raided the office of Sneed. This developed a rather serious situation for the new court feeling that it was backed by the people was in no mood to dally. The missing records mysteriously wandered back to Sneed's office, where they were forcibly seized by the officers sent to get them.<sup>55</sup> In the meantime the old Court of Appeals had met in a church on the capitol square, and having been rudely deprived of its records, found it difficult to do business. It issued on February 5, a long address to the people, attacking the Legislature and defending its own course.<sup>56</sup> By the force of circumstances being unable to do likewise, it decided to do no business until after the August election, when it was hoped that the atmosphere would be clarified.<sup>57</sup>

An anomalous situation, fraught with great danger, now existed. Instead of one court, an evil that might not even be altogether necessary, the state was now saddled with two. The new court started out with the business where the old had left off—but first requiring a new oath from all lawyers that practiced before it. Here was the spectacle of

<sup>52</sup> "Maxims" on the cover page of *Liberty Saved*.

<sup>53</sup> Quoted in *The Port Folio*, Vol. XIX (1825), 168.

<sup>54</sup> Quoted in Doolan, "Old Court—New Court Controversy" in *Green Bag*, XI, 183, 184.

<sup>55</sup> *Argus*, Feb. 9, 19, 1825.

<sup>56</sup> For text see *Argus*, Feb. 9, et seq., 1825. It was published in four installments. Collins, *History of Kentucky*, I, 31, 32.

<sup>57</sup> *Argus*, April 6, 1825.

two authorities which touched the people closest, holding the final decision in matters of property and life, contesting for supremacy. This, of all disputes in the different departments of government, was most dangerous. The difficulties grew and ramified in all directions. What of the rest of the judicial machinery of the state? which court should be recognized, in appeals as well as processes from the highest court to the lower ones? Out of the fifteen circuit judges, about ten cast their lot with the old court, therefore refusing to have any dealings with the new judges. Some tried to avoid making a choice at all, one refusing to enter the decisions of either court on the ground that it was not the province for a circuit judge to decide, but for the people.<sup>58</sup> Judge Jesse Bledsoe of the Fayette County Circuit Court overruled a motion and refused to hear argument in an instance where Robert J. Breckinridge moved to admit to practice a person who had been granted a license by Boyle and Owsley of the old court.<sup>59</sup> The lawyers of the state naturally divided in their allegiance. Some, like Robert Wickliffe, refused to practice before the new court, while others, as J. J. Crittenden, George M. Bibb and Benjamin Hardin did practice before it.<sup>60</sup> Out of the 580 lawyers in the state, 530 stood for the old court, in March, 1825, with others going over.<sup>61</sup>

The new court was in fact alone the active court; it decided cases and its opinions were published in the regular way. Most of the old court supporters were willing to let it have its short day of authority; they were looking to the coming August election when they hoped to banish forever this revolutionary set of judges. In fact all eyes were early turned toward this referendum, for it was known that the people would then pass judgment on the extraordinary course of events since the last election. Both parties entered the campaign early, knowing they either lost or won in the results. The old court party made a particularly hard fight, using every device in their campaign to educate the people and win votes. Many so-called "missionaries" were scattered over the state to enlighten the people on the serious situation and to proselyte among the supporters of the "Heathen judge breakers." The new court party accused them of having "*stationed* Missionaries, *travelling* Missionaries, and *Tract Societies*."<sup>62</sup> A potent weapon to stir up sentiment was the grand juries, which "presented" the Legislature, the judges, and even each other. Among the grand juries that presented the new court judges for their unlawful acts were those for Franklin, Garrard and Montgomery counties. The Union County grand jury presented the Legislature for its unconstitutional proceedings, and declared that it deserved "the most *indignant censure* of all the good people of the commonwealth; and as part of that people, we do hereby express our abhorrence of such conduct."<sup>63</sup> The new court party was not without its supporting grand juries. The Mercer County jury severely criticized the old court juries for mixing in politics, naming those of Montgomery, Franklin, and Garrard counties. They stated that "They view such attempts as a perfect prostitution of the dignified functions of a grand jury to base electioneering purposes. \* \* \* They view with the deepest reprobation the corrupt and unprincipled prostitution of the powers of Grand Juries in the Counties aforesaid."<sup>64</sup>

The same old arguments, constitutional and otherwise, were reiterated

<sup>58</sup> *The Spirit of '76* (A small journal published at Frankfort during part of the year 1826, in support of the Old Court).

<sup>59</sup> Collins, *History of Kentucky*, I, 32.

<sup>60</sup> *Argus*, April 13, 1825.

<sup>61</sup> *Ibid.*, March 16, 1825.

<sup>62</sup> *Ibid.*, Feb. 2, 1825.

<sup>63</sup> *Argus*, May 4, 1825.

<sup>64</sup> *Argus*, April 27, 1825.

by both sides. Each tried to scare the state into supporting their respective positions, by portraying the awful condition sure to follow if the other were sustained. George Robertson thus depicted his once happy state: "The condition of Kentucky is acknowledged to be a good one. It is inferior to that of no state in the Union. The people of Kentucky are intelligent. Their soil is prolific. Their climate propitious. In these particulars they are eminently blessed; yet these people, so much favored by a beneficent Heaven, so much signalized by their peculiar natural capacities are oppressed with debt; their currency depreciated; their Constitution disregarded; their laws powerless; their lives and their property insecure; themselves driven to the verge of civil war; industry deprived of its incentives and despoiled of its rewards; fraud sanctified by law; the improvident living on the provident; the idle fattening on the sweat of the laboring; the dishonest bankruptcy considered honorable; solvency, criminal; refusing to pay debts, a badge of patriotism; attempting to exact payment, called oppression; the punctual laboring citizen denominated aristocrat, 'tory'; the lazy and dissolute, who live by fraud and stealth, lauded as patriots, whigs, republican; travelers murdered for their money and no punishment inflicted; citizens murdered weekly and no murderers hung; the fines inflicted on those who support 'the powers that be' remitted; the honest alarmed; the upright miserable; the State degraded. This is a faithful but, very imperfect condition of our country. Who so blind as not to see the causes of all these effects, in an unjust and unconstitutional administration of the government? The best form of government corruptly or foolishly administered will be oppressive."<sup>65</sup>

The new court party poured forth their wrath against the tyrannical judges and their aristocratic supporters in numerous pamphlets and hand bills, one of the former being entitled, "Liberty Saved, or the Warnings of an Old Kentuckian to his Fellow Citizens on the Danger of Electing Partisans of the Old Court of Appeals." The "Old Kentuckian" bitterly assailed his political opponents and the old court judges: "Triumvirs, would be kings, emperors, dictators, despots, holy allies, all vociferate, as loud as bull dogs, that judges have the right of breaking your laws whenever they think them to be unconstitutional, and that the majority of your late general assembly, your delegates, yourselves, by representation, established expressly and exclusively, in virtue of your constitution, to make your laws, had no right to stop their usurpations, and to throw down their thrones, those of the old court of appeals, not only by the law entitled 'an act to repeal the law organizing the court of appeals, and to reorganize a court of appeals', but by address; and moreover, to close their plan of war, and of destruction, to prey afterwards on your rotten carcasses, and on your fatherless widows and orphans, not only they dare to throw you the gauntlet, but they menace you with forty thousand bayonets."<sup>66</sup> Not only would the old court party thwart the will of the people orderly expressed through their Legislature, but they would through their heartless course of pushing every debtor to the wall, destroy the backbone of the state's prosperity and drive away the real producers of its wealth. "The land and its products and its laborious population," it was declared, "are the permanent capital of an agricultural country. Gold and silver coin are not permanent settlers; they are nothing but running strangers, visiting you when you have products—running from you when you have none. It is not on them that the wealth of the land depends; it is on its tillers; why then not attach population to it by prop-

<sup>65</sup> Quoted in Doolan, "Old Court—New Court Controversy" in *Green Bag*, XI, 184.

<sup>66</sup> *Liberty Saved*, 11.

erty laws securing the laborious husbandman against unforeseen calamities? But you sleep, Brutus, and Rome is in the hands of Tyrants." <sup>67</sup>

The old court party held meetings in many of the counties to rally their forces within the state, and sent letters and other communications to men beyond the state whom they thought might aid. As already mentioned, Jefferson was appealed to, to set at rest the heresies that were being circulated in his name. Letters were sent to the President and to other high officials of the Federal Government, giving distressing accounts of the evils that had overtaken the once happy state. By so doing, the old court party hoped that if no direct aid should be given, that at least there might grow up an indirect influence operating to their benefit—at any rate, the rest of the country should know that not all Kentuckians had suddenly run mad. A letter addressed to the President read, "Sir, Our Judges of the Court of Appeals repealed out of office; the constitution of our state trodden under foot; our treasury robbed and empty, capitol burned down, convicts in the Penitentiary naked and starving, governor's son a murderer and cut throat, a deficiency of \$40,000 in our revenues, a denial of justice by our execution laws, a relief Legislature—think ye will it not take forty thousand bayonets to right us in politics!" <sup>68</sup> The new court men soon learned the contents of this letter and of other ones sent out of the state, and immediately raised the cry of alarm, that the old court party was suggesting the settlement of the question by bayonets and was hinting at Federal aid. A sensation was created for a time over these letters. Andrew Jackson, who had recently visited the state, was drawn into the controversy slightly and not more so because of his great desire to steer away from the factional trouble. He was reported to have said in Lexington that "forty thousand muskets would be required to rectify the politics of Kentucky." When charged with this statement, he indignantly repelled it as beyond his broadest imagination. He said he had "no recollection of speaking at all about the local affairs of your state. It is a subject about which I should not feel myself at liberty to interfere. \* \* \* It is scarcely possible that, sharing, as I did, the politeness and hospitality of the citizens of Lexington, I should venture to insult them by so unkind a remark. I did not; it has no resemblance of me; for, if so, then indeed might I be considered '*a military chieftan*,' as has been charged." <sup>69</sup>

There is little question that a dangerous condition prevailed which might at any time develop into armed strife. Niles said, "If what is told to me of the state of the public mind in Kentucky is true, there is a greater shew of *feeling* in that commonwealth than has caused the revolution of an empire. Indeed, it would seem that so much excitement could not exist in any other than a free state, surrounded by other equally independent but less agitated communities." <sup>70</sup> In this surcharged atmosphere the election was held without serious disorder. The result was a complete victory for the old court party as far as the election could make it. Since only one-fourth of the Senate was up for election, the victory could not be complete here. As it was later determined, this body divided equally on the questions of the day—nineteen to nineteen. Directly after the election it was estimated that the House stood sixty-two for the old court, and thirty-eight for the new court. The people had now spoken; it was taken as a mandate to turn out the interloping new judges. This was the account given by Niles: "After one of the most arduous political struggles that ever existed in a state—judging by what we have seen in the newspapers, the 'old court' or 'anti-relief' party, has

<sup>67</sup> *Liberty Saved*, 7.

<sup>68</sup> *Argus of Western America*, Jan. 19, 1825. The name of this paper was soon changed to simply, *Argus*.

<sup>69</sup> Correspondence in *Niles' Register*, Vol. 28, p. 51.

<sup>70</sup> *Niles' Register*, Vol. 28, p. 82.

succeeded by an overwhelming majority. In the last Legislature, fifty-four members were favorable to the 'new court,' and forty-four opposed to it. In the next Legislature, there will be a majority of about two to one in favor of the 'old court,' and against the *relief system*. So it is put down as absolutely certain, that the 'new court' will be abolished and the 'old' one restored to all its former powers. As the *people* have brought this about, there cannot be, with the 'new court' party, any dispute as to the right of the matter. The whole of the 'relief system' will be abolished, as rapidly as the state of things will admit of—and Kentucky presently resume her former prosperous march in population, wealth and power. It is most earnestly to be wished that the ascendant party will use its means with great moderation—for, in the other, are certainly included some of the noblest and the best citizens of the state; and, though we have believed and said, from the first, that the whole of the 'relief system' was wrong, and vitally at war with the interests of the people of Kentucky, we would not abuse those who thought differently—and though the *further* progress of 'the system' should be absolutely checked at once, the evils which have been inflicted must be gradually healed, as with paternal care. If so, the removal of them is certain—for the people will be recalled to the old-fashioned way of tilling the earth, or by some other profitable employment, to get money to *pay* their debts, instead of running to and fro, and wasting their time at court houses and lawyers' offices, to *postpone* the honest settlement of them.

"The ardor of the contest may be judged by what is stated in the 'Reporter'—that the governor, *personally*, headed his party at Frankfort, and that the *chief justice* of the 'new court' harangued the voters of Fayette County for three hours: yet Mr. Wickliffe was re-elected to the state senate. It is added, that, after the election, when Mr. W's friends were collected to regale themselves and congratulate one another on the result, a large quantity of *Emetic Tartar* was introduced into the barrels of liquor, by which several hundred men were made sick, and the lives or many seriously endangered."<sup>71</sup>

The new court party received the results of the election with something akin to consternation. They had not expected the people to so readily vote themselves out of the easy method of paying their debts. They claimed that a lavish use of money and of all kinds of chicanery and unfair means had been resorted to to delude the people. "The *Country Party*," said the editor of the *Argus*, "are *too poor* to sustain themselves against the means which have been put in requisition this year to defeat them." He expected to see the new court repealed; the people had been hoodwinked, but he would put his hopes in the next election. "We consider the present majority as having been obtained by any other means than such as are honorable and honest."<sup>72</sup> And in Franklin County, "There never was a more ardently contested election than ours. The county contains about 1400 votes, and near 1600 persons voted."<sup>73</sup>

Holding that the election had definitely settled the question, the old court judges immediately took on new life, and began active preparations for holding court. The governor declared this to be an open contempt of law and order, and some counselled him that it was his duty to interpose his authority and suppress them. He had refrained to do this heretofore, as they had made no efforts "to give or execute judgments or decrees, and as the meetings were not attended by any breach of the public peace, it was not thought the duty of the executive to molest them, or in any manner to obstruct their proceedings." But their inclination recently exhibited "to proceed in the exercise of judicial power and force

<sup>71</sup> *Niles' Register*, Vol. 28, p. 405; see also Vol. 29, p. 3.

<sup>72</sup> Aug. 10, 1825.

<sup>73</sup> *Ibid.*



the execution of their orders, judgments and decrees throughout the state, in direct hostility to the existing court and an act of the General Assembly, which the executive is bound by the Constitution and his oath to see duly executed," would not be tolerated. Desha then significantly remarked: "I need not inform the Legislature how unpleasant will be the duty which such a course of conduct on the part of the former judges will impose, nor need I tell them that, painful as it may be, the executive will not shrink from the performance of that which he conceives himself bound to do by his oath of office and the Constitution of his country."<sup>74</sup>

The situation now became more alarming than it had been at any previous time. The new court and its supporters resolutely refused to give way until the law erecting the present court had been repealed, and they were determined to prevent that repeal if possible. The people had been deluded; their will had not been honestly expressed in the election. George Robertson said: "This unexpected and perilous contumacy brought the antagonist parties to the brink of a bloody revolution. For months the commonwealth was trembling on the brink of a heaving volcano."<sup>75</sup> The old court now attempted to recover its records from the office of Francis P. Blair, the clerk of the new court, but was resisted with such a show of force that they were forced to desist to avert civil strife. Arms and ammunition had been collected not only to protect the new court, but also in a possible contingency to chase out of the legislative halls the House of Representatives. Men high in authority were accused of being parties to these preparations. A committee of the House of Representatives was appointed to inquire whether any, and, if any, "what military preparations have been made to prevent the House of Representatives or any of its committees or any of the courts of justice from the discharge of their legitimate functions." A long report was made in which it was declared that the situation "cannot but make on the minds of your committee the strongest impression of the awful crisis at which the judicial controversy which agitates the country has arrived." The committee concluded its report as follows: "Heretofore party spirit and unwise legislation have sufficiently blighted the prosperity of the once most prosperous part of creation. Yet in all our struggles and divisions, reason, and not brutal force, was alone appealed to.

"Judging from the declarations of his excellency in the canvass for his present station, whatever the people desired was to be the supreme law of his administration. The threat in his message to resist the popular will, as evinced at the late election, was on that account heard with the greater surprise. Still, that his excellency would openly or indirectly attempt to execute his threat, or that he would connive at the fact that others were preparing to shed the blood of his fellow citizens and that he would use no efforts to prevent it, was not believed.

"Nay, your committee must say that they had fondly cherished a belief that there was no officer, or pretended officer, of this government that was ready to light up the torch of civil war and imbrue his hands in the blood of a brother; yet, unwilling as they were to believe the fact, they are constrained to report to you that bold arrangements have been made to you for these very purposes."

They, therefore, moved the resolution "that each and every citizen of this commonwealth be advised and admonished to abstain from aiding and abetting F. P. Blair and his associates in resisting or attempting to resist the sergeant of the Court of Appeals in the execution of the order of process of said court and all other attempts to excite commo-

<sup>74</sup> Message to the legislature, November 7, 1825, in *Niles' Register*, Vol. 29, p. 221.

<sup>75</sup> Collins, *History of Kentucky*, I, 497.

tions in the country, or to disturb the public peace and harmony." After much debate, during which a substitute resolution of less severity was offered and voted down, the original was adopted, 64 to 25.<sup>76</sup>

During this period of heated animosities, when no one knew what the next day would bring forth, Col. Solomon P. Sharp was murdered in a most dastardly manner by a person who, in the darkness of night, stabbed him as he was in the act of welcoming him into his home. As Sharp was active in the cause of the new court party councils, it was immediately charged that his political enemies had done it. Regardless of the truth of the matter, it made a perilous situation still worse. The Legislature now controlled by the old court party showed its utter condemnation of the crime by passing a resolution "That they will wear crepe on their left arms during the present session" and offering a reward of \$3,000 for the apprehension of the murderer.<sup>77</sup>

Immediately on the meeting of the Legislature in the early part of November, the question of the judiciary was referred to the Committee on Courts of Justice, and a resolution was passed, 60 to 36, "that it is the deliberate and solemn opinion of this house, and of a large majority of the good people of this commonwealth, herein represented, that the act entitled 'An act to repeal the law organizing the Court of Appeals, and reorganizing a court of appeals,' is unconstitutional and void, so far as it purports to repeal or abolish the Court of Appeals and erect and establish another court in its stead; and that the Court of Appeals, so attempted to be repealed and abolished, having been created by the constitution, is (the said act notwithstanding) the Supreme Court of this state, and the judges thereof, having neither resigned nor removed from office by either of the modes recognized and provided by the constitution, are still in office and should be so considered and respected by all the functionaries of the government."<sup>78</sup> A bill to repeal the new court act was soon brought in, and on November 14 the House passed it by a majority of twenty-one votes.<sup>79</sup> The situation was quite different in the Senate. There only one-fourth of the membership had passed through the ordeal of the recent election, and as a result the old court party had failed to capture a majority of the members. During the campaign it had been agreed in a number of cases that the senator who was not before the people for election should be governed in his vote on the court question by the majority opinion in his district as expressed in the election of representatives. Thus would the will of the people be registered without the delay interposed by the constitution, in the Senate. After the election the old court supporters became very active in their demands that the Senate should be governed by the known will of the people, so clearly expressed in the recent election of the House. Meetings were held and resolutions voted calling on the senators to vote for the repeal of the new court act. A meeting was held in the senatorial district composed of Todd, Christian and Trigg counties, which passed the following resolutions: "That the majority so ascertained at the polls is considered by us as tantamount to the *most deliberate and positive instruction* to our Senate to vote for the repeal of said law." Young Ewing, the senator from this district, very properly refused to be bound by any such arrangement. He declared that the position and functions of the Senate as deliberately provided for by the constitution would be set at naught, if any such agreement should be entered into.<sup>80</sup> For

<sup>76</sup> *Niles' Register*, Vol. 29, p. 276.

<sup>77</sup> Jeroboam O. Beauchamp was arrested and convicted of the crime and spent a miserable and melancholy period in the Penitentiary before he was finally hanged. Collins, *History of Kentucky*, I, 32; *Niles' Register*, Vol. 29, pp. 29, 197; Vol. 30, pp. 267, 366, 382, 443; *Acts of Kentucky*, 1825, 149.

<sup>78</sup> *Niles' Register*, Vol. 29, 196.

<sup>79</sup> The vote was 58 to 37. Robertson, *Scrap Book*, 95-97.

<sup>80</sup> *Argus*, Sept. 14, 1825.

what was the Senate, if not to act as a steadying influence in just such a crisis? True enough, senators might change their minds on the court question, but it should be the logical reasoning from the merits of the question that should produce the change, and not the hasty expressions of people not voting for the senators. So, when the bill came before the Senate it was defeated by the deciding vote of the lieutenant-governor, Robert B. McAfee, who had gone into office with Desha on the first wave of resentment and exasperation against the old judges.

The situation was no nearer a solution than before the election.<sup>81</sup> Thus thwarted, the old court majority in the House passed the aforementioned resolution warning the people of the state to refrain from aiding Francis P. Blair in maintaining possession of the court records. It was not only through the forbearance of the old court authorities in not attempting to forcibly seize the records that averted civil strife. Regardless of the constitutionality of the new court act, it would have been making confusion more confounded had the new court abdicated its powers before the law setting it up had been repealed, especially after the old court majority in the House had recognized its potency and standing as law by attempting to repeal it. Now to disregard it, since they could not repeal it, would have been more disruptive of law and order than the unconstitutional act first passed. Blair steadily refused to give over the records until he was requested by law to do so.<sup>82</sup>

But it was painfully evident to the new court party that their power was waning and that most likely one more election would decide the issue definitely against them. They had, therefore, early expressed a willingness to tack to the approaching storm and compromise with the greatest advantage possible. Governor Desha had admitted in his message to the Legislature that, "Instead of quieting the country, as was ardently desired, the act of the last session reorganizing the Court of Appeals, together with other causes made to operate, has filled it with new agitations." That the people were dissatisfied and wanted a change was evident, but exactly what change they wanted was not so clear in the opinion of the governor. He therefore suggested a line of procedure which had the broad principles of a compromise and which would lead the new court party out of their troubles with as little humiliation as possible. "It is an undoubted fact," he said, "that neither the former judges nor the present incumbents can unite upon themselves the confidence and respect of both the contending parties into which our population is divided. Nor can either proceed to exercise judicial power without doubts in the minds of many as to the validity of their acts. The new court is deemed by many to be unconstitutional and its acts void; and, were the reorganizing act repealed, the same doubts would extensively hang around all the acts of the former judges, unless they should receive new appointments and commissions from the Governor and Senate. It is of great importance to the state that the judges of the appellate court should not only have the entire confidence of the whole people, but that their authority should be deemed by all parties unquestionable. To accomplish these desirable ends, the way is believed to be open to the present General Assembly. I have the fullest confidence that the present incumbents in the Court of Appeals will present no obstacle to any specific arrangement which the Legislature may adopt, and, although it may not be usual for the executive to give assurances beforehand of the course he will pursue upon a probable or a possible event, yet the extraordinary circumstances

<sup>81</sup> After the vote had been taken in the Senate, Niles reported that "The hope of adjusting the political differences which disturb the repose of the good people of this state, and so materially injure them, in every respect, is a very faint one." *Niles' Register*, Vol. 29, p. 248.

<sup>82</sup> *Argus*, Dec. 14, 1825.

of the times and the peculiar attitude in which I am placed seem to require of me the frank declaration that, should any measure be adopted by the General Assembly with the view of quieting the troubles of the country, by the appointment of an entirely new set of appellate judges, I shall feel myself bound to select them equally from the two contending parties. However this recommendation and assurance may be received by violent partisans, I have, in making them, discharged what appeared to me to be a sacred duty, and I leave the result to God and the people. If our agitation shall be thus ended, it will be happy for us all; if they are to be continued, I shall endeavor to perform, through scenes yet untried, with fidelity and zeal, the arduous duty entrusted to me by the people, of seeing the laws executed in good faith and preserving the peace of the country."<sup>83</sup>

This invitation to compromise a question which the old court party considered had been definitely settled in the recent election was naturally not accepted—they would at least not consider it until they had made their attempt to repeal the new court law. Now that they had made the attempt and failed, they were willing to investigate the possibility of other settlements. In December a committee was appointed for this purpose. Numerous propositions were made along the lines set down by Desha, always preserving the principle of the equality of the two parties. One plan would reconstitute the court and give two of the judgeships to the old court judges, with the other two places filled by new court judges. This arrangement was rejected. The new court leaders next offered the proposition that the membership of the court should be increased to six and thereby include all three of the old court judges. This was also refused, as the old court party believed they should not compromise away the principle for which the people had stood in the past election.<sup>84</sup> The question was now remanded to the people again for the decision in the next August election.<sup>85</sup>

The scenes of the former campaign were reenacted. The same arguments and criminations were bandied back and forth; the same intensified passions prevailed. Crittenden wrote Clay that the state was fast approaching anarchy.<sup>86</sup> But the new court party knew that if the election went against them this time, their doom was sealed. They therefore suggested anew their compromises and assumed a conciliatory attitude, and the *Argus*, near the end of the campaign, suggested that if the old court party won, the new court judges should resign and let the power pass back into the hands of the former court.<sup>87</sup> However, this position did not deprive them of the opportunity to pour forth their bitter denunciations of their opponents. They set up a campaign organ called "The Patriot," in which they vigorously carried on the fight. The old court party felt assured of a complete triumph, for they considered control of the House certain, and the Senate they had good reason to believe would be captured, since half of its membership would have been subjected to the popular will on the court question with the conclusion of this election. A popular manifesto was issued, signed by the minority of the Senate and the majority in the House, to be used as a campaign document. It was asked: "Is the agony of the body politic never to be over? Is there any inherent defect in our social or political organization? Or whence this sad fate? Why does your governor in sub-

<sup>83</sup> *Niles' Register*, Vol. 29, pp. 221, 222.

<sup>84</sup> Robertson, *Scrap Book*, 102, 103.

<sup>85</sup> Niles said, "The legislature of this state has adjourned without doing any thing to still the 'throes and convulsions' of public opinion, which have so long agitated the people, and grievously retarded the growth of population and wealth in this state." *Niles' Register*, Vol. 29, p. 310.

<sup>86</sup> *Crittenden MSS.*, Vol. 3, Nos. 528, 529. Letter dated December 26, 1825.

<sup>87</sup> Quoted in *Kentucky Reporter*, Aug. 21, 1826. Also see *ibid.*, *passim*.

stance declare again, at the opening and close of your session, that he will preserve peace by making war? Your guardians wrong you. It is time to escape from minority and assert the right of manhood."<sup>88</sup> Robertson in this manifesto pointed out the tyranny of the majority in the Senate and the executive department, declaring that they were clearly blocking the expressed will of the people. "You have deliberately decided by more than sixty-hundredths that it [the new court law] is in conflict with the constitution; and to what power on earth shall an appeal be taken from your judgment? To the governor or lieutenant-governor? To senators who disregard your most formal, written instructions? God forbid. But it is for you to determine whether you belong to them, or they to you! Whether your government was instituted for your happiness, or their exclusive enjoyment?"<sup>89</sup>

The old court party also had its campaign publication, "The Spirit of '76," which kept up a constant bombardment. The argument that had been so often used by the new court party of the right of the people to instruct their representatives was now used against them with strong effect.

Again the old court party carried the election, securing control this time of the Senate.<sup>90</sup> With both branches of the Legislature now in their possession, the old court party soon set to work to clear up the judicial tangle. In the legislative parryings and maneuvers that preceded the final vote on the abolition of the new court there were developed over again the different efforts at compromise to avert the complete abdication of the new court judges without some concessions from the old court party. One of the most interesting and most important moves was made by Martin P. Marshall in the House of Representatives in a set of resolutions declaring that the governor, lieutenant-governor, judges of both the old court and of the new court, together with all the senators and representatives, should resign, in order that the people might in a new election, to be held the first day of the following May, decide the whole question so that there might be not the slightest doubt in anyone's mind as to what was wanted. This plan appealed to a great majority of the representatives, irrespective of parties, being voted through 75 to 16. But when it reached the Senate it was promptly killed by a strict party vote of 21 to 16. It was in fact a new court scheme which had successfully captured the representatives.<sup>91</sup>

Having disposed of all dilatory obstructions of the opposition, the old court party finally, on December 30, 1826, pushed through their bill repealing the new court out of existence. Governor Desha used his last constitutional power in an effort to defeat it by vetoing it; but, as the Legislature might pass a bill over the governor's veto by a simple majority, he was doomed to defeat. The bill finally went through the House, 56 to 43, and the Senate, 22 to 13. The act declared that the new court was in fact illegal, as judges could be removed from office only by impeachment or address; that the people in two successive elections had upheld this view; and that, therefore, the judges of the old court of appeals had been and were still the only constitutional judges of that court. It was also declared that all laws changed, repealed or affected in any way by the new court act were and always had been in full force—that everything always had been and still was as if the new court law had never been enacted.<sup>92</sup> On the happy outcome of the trouble, Hezekiah Niles said: "Without going into the merits of the *old court* or of

<sup>88</sup> Robertson, *Scrap Book*, 103.

<sup>89</sup> *Ibid.*, 100.

<sup>90</sup> There were 56 Old Court representatives and 46 New Court, and 21 Old Court senators and 17 New Court. Collins, *History of Kentucky*, I, 33.

<sup>91</sup> Collins, *History of Kentucky*, I, 33.

<sup>92</sup> *Ibid.* A different numerical vote is given in *Niles' Register*, Vol. 31, p. 324.

the *new court*, we congratulate our fellow citizens of Kentucky that they again have only one Court of Appeals."<sup>93</sup>

The passions of the people were now fast subsiding, and a tendency was to forget as fast as possible the times that harbored the dark specters of civil strife and bloodshed. At a public dinner at Cynthiana, in Harrison County, the sentiment was expressed in this toast: "New and old court distinctions—a speedy oblivion to the political jarrings of liberal and honest men."<sup>94</sup> The old Court of Appeals which had been sitting at the regular sessions during the past year and which had by the early part of June disposed of ninety-six cases and fifty-nine motions, now came into complete possession of all its records and rights. During this period the new court almost ceased to exist. The election of 1825 had greatly discredited it, but the victory for the old court party in 1826 was too much. In December, John Trimble and Razin Davidge resigned. The governor appointed Frederick W. S. Grayson and Robert P. Henry to fill the vacancies, but the positions had no attractions now—the former refused the offer and the latter, a member of Congress, feeling no desire to resign a sure position for a make-believe judgeship, either was not notified of his appointment or neglected making a decision to the time of his death nine months later. James D. Breckinridge, of Louisville, was then offered the position, but he also declined. John T. Johnson was then appointed and finally took his seat. On January 1, 1827, Francis P. Blair, the clerk of the erstwhile new court, in response to an order of the regular Court of Appeals, delivered over all the records, papers and books in his possession. Now for two or three years the personnel of the court was in constant change, reflecting the interplay of politics and personal political dealings. John Boyle, who had been chief justice through the stormy days when the new court had held sway, resigned in November, 1826, to accept the appointment to the Federal District Court of Kentucky. As a measure of conciliation, as well as a recognition of his ability, the Governor and Senate nominated and confirmed as chief justice George M. Bibb, who had formerly been judge as well as chief justice of the Court of Appeals and who had recently played a prominent part in state affairs as a relief and new court leader.<sup>95</sup>

This Legislature, before adjourning, made an attempt at a parting blow at the men who had served as new court judges. There was introduced in the House, but defeated, a bill requiring the "pretending judges" to refund to the state the money they had drawn as salaries.<sup>96</sup> The influence of the new court was not yet dead throughout the state nor on the bench, for Bibb was now chief justice. In the election of 1827 the court question played little or no part outwardly, but apparently Owsley and Mills, the remaining old court judges, had secretly promised in the reorganization to resign, after the new governor and Legislature should be elected, for this was the year to elect a new governor. The idea seems to have been that they would resign only to be reappointed by the new administration, for it was confidently expected that it would remain in the hands of the old court party; but by so doing, it could be said that the court had now been completely reconstituted since the difficulty had arisen and that the people had had an opportunity to fill all three places. The procedure was carried out in a very unusual way, and covertly. Mills wrote out his resignation partially and sent it to a friend to later complete and send to the governor. This friend prevailed upon him to reconsider, and so he did—the resignation was never completed and sent

<sup>93</sup> *Ibid.*

<sup>94</sup> *Kentucky Reporter*, Dec. 11, 1826.

<sup>95</sup> *Argus*, Jan. 17, 1827; Collins, *History of Kentucky*, I, 34.

<sup>96</sup> The amounts drawn by them follow: Barry, Haggin, and Trimble, each \$1,312; Davidge, \$1,175; Richard Taylor, sergeant, \$161; and Thomas B. Monroe, reporter, \$373. Collins, *History of Kentucky*, I, 34.

to the governor. Owsley expressed his intention of resigning to the governor, but actually sent the written document to a friend to forward. The friend naturally prevailed upon him not to resign, and so the governor also did not receive this resignation. Chief Justice Bibb, learning of this procedure, claimed that they did actually resign, and that two vacancies existed and should be filled. Bibb called upon Governor Metcalfe, who had just been elected as an old court man, to accept their resignations and appoint two new judges. The governor declared that no vacancies existed, as he had never received any resignations. A heated correspondence developed between the chief justice and the governor, with the former flatly refusing to hold court until new judges were appointed. Finally, Mills and Owsley, in order to straighten out the tangle, handed in their resignations to the governor, who accepted them, only to straightway reappoint them. But the Senate, which had swayed toward the new court party in the past election, now refused to confirm the nominations. Metcalfe then nominated Joseph R. Underwood and George Robertson, the latter having been a tower of strength to the old court party during the recent troubles, and the Senate promptly confirmed them. George M. Bibb, the chief justice, who had been elected by this Legislature to the United States Senate, now resigned, leaving the chief justiceship vacant. Judge Robertson was nominated for this position, but was rejected. The governor then successively nominated Richard A. Buckner, John J. Marshall and Joseph R. Underwood, all of whom the Senate refused to accept. At the meeting of the Legislature after the election of 1829, Judge Robertson was again nominated and this time accepted by the Senate, and Richard A. Buckner named for the place made vacant by Robertson, and accepted.<sup>97</sup> On April 15, 1829, the Court of Appeals declared all the acts and decisions of the new court null and void in the case *Hildreth's Heirs v. McIntire's Devises*.<sup>98</sup> Thus was the court question finally settled.

During the decade following the War of 1812, Kentucky had signally failed to keep pace with the progress she had made during the preceding decade. The buoyancy and expectancy that predominated then was now sadly lacking. Like a child playing with fire, she began playing with the banks and replevin laws, involving financial and economic principles which she did not understand. Banks looked beautiful in their operation, turning out crisp notes beautifully engraved, and stay laws were no less inviting. But when, through bitter experience, it was discovered that these things were not what they seemed, the state was so divided and such antagonisms had grown up that for almost two years she hovered on the brink of civil war. Such conditions set her back far in her development along all lines. Her manufactures were fast going, and her commerce withered; her population fled to happier regions and her land left untended. There can be little doubt that Kentucky was politically, financially and industrially the most sorely beset state in the Union—so dark a contrast with her former self.<sup>99</sup>

George Robertson in withering terms indicted those who were responsible for the woeful conditions: "You have made it the interest of men to violate their most solemn contracts and live by fraud. Man has lost confidence in his fellow man; internal commerce is stagnant; foreign trade unequal and unproductive; agriculture despondent; virtue proscribed; patriotism in despair."<sup>100</sup>

This advice, indicative of the situation, was offered by "Many Kentuckians": "There may be in America too many importers and shop-

<sup>97</sup> *Argus*, Oct. 15, 29, Dec. 10, 1828.

<sup>98</sup> J. J. Marshall, 206.

<sup>99</sup> See McMaster's opinion, in *History of the People of the United States*, V, 162-166.

<sup>100</sup> Robertson, *Scrap Book*, 110.



keepers, but there will never be too many mechanics, manufacturers nor farmers; and there is, unfortunately, another thing to say on the imports of foreign useless articles—that thing is, that, in spite of the best wishes of renouncing them, there will be in our American family always too many fools to not consume always too much of them. \* \* \* Renounce as much as you can foreign luxuries; manufacture at home as many as you can of the articles you want; let your lands produce as much as possible; you shall be happy. Till then you will be poor.”<sup>101</sup>

People were leaving the state in hundreds and thousands. The emigrants were more than those coming in. In 1825 a news item said: “It is supposed that more than a hundred wagons, with families, have passed through Frankfort within the last ten days.”<sup>102</sup> Bad conditions were driving the people away, but what elements in the situation were doing it and who were responsible for the bad conditions were matters of dispute. The anti-relief and old court parties naturally held that vicious legislation characterizing the period was responsible. One observer said: “Kentucky has probably lost as much as she has gained by migrations since the fatal year 1818, when the forty-three ‘independent banks’ were littered, though her longest-cultivated fields have not yet lost any portion of their original productiveness, and her population is still very sparse.”<sup>103</sup> The relief and new court parties saw people leaving for the opposite reasons. An aristocracy and tyranny of wealth had grown up which thought more of money than of lives, who would grind out the uttermost farthing owed them or ruin the country. This warning was given: “Lords of Kentucky! you are slumbering on your interests and meanwhile the most industrious part of your population deserts your soil, and the newcomers, instead of stopping on it, are going to settle in other states, where they do expect better protection. Continue oppressing the industrious; you will have deprived them of their properties; you will have all the land to yourselves; but, without hands to till them, what will they be worth to you? Return spoliations, or you shall be gone.”<sup>104</sup>

The political situation had also caused many people to leave the disturbed land for other states and for the unoccupied territories, perhaps menaced by Indians, but not so dangerous a place to be as Kentucky. Robert Wickliffe said: “Miserable indeed is the picture of this once proud, once happy Commonwealth—Your capitol in ruins, and here we are legislating and Judge breaking, in an old church, your Mr. Speaker perched in its pulpit, and the Senate pent up in a school house closed up in a cell, treading on each other’s toes, like stock in a muddy pound [sic].”<sup>105</sup>

State finances had steadily decreased, until in 1823 a deficit of more than \$33,000 existed. The next year saw it beyond the \$35,000 mark. In 1822 there had been a surplus of almost \$55,000.<sup>106</sup> Governor Desha called for retrenchment in the state’s expenditures, especially by cutting the salaries of its officials.<sup>107</sup>

<sup>101</sup> *Considerations on Some of the Matters to be Voted on \* \* \* at the next Session of the General Assembly of Kentucky.* \* \* \* (Louisville, 1824), Pamphlet, 34, 35.

<sup>102</sup> *Niles’ Register*, Vol. 29, p. 147. To this, Niles adds, “This is what I have always said was the inevitable result of the *paper system* and *relief laws*; and the worst of all is, that those descriptions of persons, whom such proceedings cause the removal of, are those which new and thinly settled states can hardly spare—the free productive classes.”

<sup>103</sup> *Niles’ Register*, Vol. 28, p. 91.

<sup>104</sup> *Liberty Saved*, 7, 8.

<sup>105</sup> *Lafayette to the People*, 58.

<sup>106</sup> *Niles’ Register*, Vol. 23, pp. 225, 226, Vol. 27, 198.

<sup>107</sup> Message to the Legislature November 7, 1825, in *Niles’ Register*, Vol. 29, pp. 222, 223.

While Kentucky was running the gamut of her follies she could not hope to escape criticism from without. The newspapers of the Eastern States leveled many a shaft at her, and the merchants of Philadelphia deliberated on more than criticism. Kentuckians owed them debts, but replevin laws were delaying their payment. Some believed that they were planning to have Congress or the United States courts intervene. At any rate the Philadelphia merchants drew the rejoinder from the relief party that they had profited in the War of 1812, while Kentuckians were marching against the enemy.<sup>108</sup> The editor of the *Kentucky Gazette* was quick to defend his state against outside attacks: "It is now more than four years since the people of Kentucky through their representatives determined to be ruled according to the principles of the government and the natural rights of man. Imprisonment for debt has been abolished, the fangs of aristocracy have been loosened from the jaws of thousands ready to fall victims to the laws and customs of the darkest ages of the world; sentiments have been advocated which do honour to the state."<sup>109</sup> Governor Desha was also willing to publish to the world that the people still ruled in Kentucky and that he was willing to compare conditions there, "either local, moral or political, with that of all other nations."<sup>110</sup>

Kentuckians were deserving as much of sympathy and pity as of censure and railings. Desperate situations required desperate remedies. A people who had grown up in a wilderness had known more of fighting the enemy than of dealing with complicated financial problems. That they would commit grave blunders might well be expected, that they would profit by them might also well be expected. That they did profit well is abundantly shown in their subsequent history.

<sup>108</sup> *Kentucky Gazette*, Aug. 1, Oct. 17, 1822.

<sup>109</sup> Dec. 11, 1823.

<sup>110</sup> Message to the Legislature November 7, 1825, in *Niles' Register*, Vol. 29, p. 219.

## CHAPTER LI

### STATE RIGHTS VERSUS THE UNITED STATES BANK AND COURTS: THE OCCUPYING CLAIMANT LAWS

During the period following the War of 1812, when Kentucky was busily turning her efforts toward solving the multifarious problems that were rapidly presenting themselves and when she was boldly setting out on financial and political courses she had never traveled before or knew little about, she soon found standing in her way the authority of the Federal Government. This interference was expressed through the Federal banks and courts. Just as she had already resented and was destined yet to bitterly resent and attack an opposition that grew up within her own borders, so also did she follow up Federal interference with equally persistent hostility. State rights soon came to be a cry as far flung as relief and state banks, and the passions of the people became as fiercely stirred up over this subject as any other. But this was not a hostility that might look toward secession as a remedy, as was thought of in earlier days. The conspiracies and allurements of foreign nations were forever forgotten. Rather now would she assert her own interpretation of Federal powers when they affected her, and strongly hint that she might back up her interpretations with force if circumstances should develop to such a point as to demand it. The distempers of this decade in Kentucky history were such as might easily breed an exaggerated notion of the state's powers when they should conflict with the Federal Government. This was, however, a development of the times not peculiar to Kentucky alone. In this same general period, for one reason or another, most states of the Union had periods of violent antipathy toward the Federal Government, generally directed specifically against the judiciary.

The Second United States Bank was responsible for the beginning of the state rights movement here. Immediately after the close of the War of 1812, this bank had been set up for the purpose of bringing some order out of the chaos of national finances. Although it had been strenuously opposed a few years ago by all good democrats in Kentucky, and John Pope had been almost ostracized for supporting it, while Clay's popularity was greatly increased for opposing it, now it was generally looked upon as a beneficent institution, sure to spread happiness and prosperity to any region so fortunate as to secure one of its branches, and Clay was praised still more for having supported it in the last instance. A Kentuckian assigning himself the patriotic number of "'76" wrote in the *Kentucky Gazette*: "We cannot but congratulate ourselves and the country at large upon the prospects of the early operations of this institution.

"Whatever difference of opinion formerly existed as to the renewal of the charter of the old United States Bank, there is at present in Kentucky almost an undivided sentiment of approbation in favour of the Bank recently chartered by Congress.

"Who will not gladly hail the measure which shall reanimate and give new life to our palsied and rotten paper system?"<sup>1</sup> There was

<sup>1</sup> July 15, 1816.

considerable rivalry among the towns of the state in their efforts to secure branches. Louisville and Lexington were finally chosen as the seats for the two branches awarded Kentucky.

In an amazingly short time after these institutions were set going, the beautiful dreams of Kentuckians having their pockets bulging with crisp United States bank notes and prosperity smiling over the land were rudely upset. The United States banks did not see fit to use banking principles current in Kentucky, and thereby began their unpopularity. They soon began to work against indiscriminate loans and to bring about a contraction of the currency by gathering up and presenting large quantities of state bank notes for payment. Their efforts were directed against speculation along all lines. Therefore did they fail to fulfill a single purpose the Kentuckians had in mind. They were not only not spreading prosperity, but by their strict practices were producing the opposite, and within a short while had so operated on the currency of the state that Governor Adair declared not a note of the United States bank was circulating throughout the state. "The depreciated currency of the states," he said, "was regarded as an evil of dangerous tendency—and the more so as it was one which the states could not speedily eradicate. A national bank, with a capital sufficient to furnish a national currency, was proposed and adopted as a prompt and efficient remedy. Has it answered the proposed end? Does it afford a circulating medium for the Union? Whilst it crushed beneath its ponderous weight every feeble corporation and displaces the notes of the specie paying banks within the sphere of its operations, are its notes anywhere to be found except in the great emporiums of trade, or in discharging the silent and impoverishing operations of exchange?"<sup>2</sup> Hostility was now fast arising against this financial tyranny which had crept into the state like a thief in the night. Governor Desha said it was "an union of local interests operating upon the public councils," that "directly invited or silently tolerated the location of two branches of the United States Bank within our borders."<sup>3</sup>

In less than three years after the branches had been set up the people of the state had indebted themselves to them for more than \$2,500,000. How this could be paid with no United States bank notes circulating in Kentucky was a problem to one of the Kentucky papers: "This is the trifling sum which the people of Kentucky are called upon to pay in specie; for the notes of these branches have long since vanished. Indeed, we believe that all the U. S. Bank paper, bank of Kentucky paper and specie circulating in the state, would not be sufficient to redeem this debt. The discounts alone which are paid on this sum every month amount to upwards of *thirteen thousand dollars*."<sup>4</sup> The branches, in their procedure to collect their debts, soon came into possession of much land and other property, and thereby "filled the land with tenantry."

Kentuckians thought too much of their rights of self-government and the continued possession of their own wealth to tolerate a foreign bank tyranny. These money monsters should at least be made to pay for their raids on the people's property. In 1818 a tax of \$400 annually was put upon the two branches. But it was immediately seen that this was worse than no remedy, for the amount was insignificant—only enough to set up the principle of taxing the bank, without the slightest effect on driving it out of the state or affording the state revenue from its operations. The tax was, therefore, very soon increased to \$5,000 per month on each branch. The purpose was clearly shown of driving the banks from the state, for it could not have been believed that they could pay a tax of

<sup>2</sup> Message to legislature October 16, 1821 in *Niles' Register*, Vol. 21, p. 185.

<sup>3</sup> In message to legislature, November 7, 1825, in *Niles' Register*, Vol. 29, p. 219.

<sup>4</sup> Quoted in *Niles' Register*, Vol. 15, p. 385.

\$120,000 a year; but, indeed, if they should submit to the principle and pay the tax, the state could almost afford to tolerate any tyranny the banks could institute in return for so large a sum of money for the state treasury.<sup>5</sup> This extraordinary measure not only excited the strong opposition of the branch banks themselves, but roused up numerous other enemies over the state. They saw in it a direct clash between the authority of the state and the nation, which might lead to serious results. A person signing himself "Hambden" declared the scheme was nothing more or less than an attempt to array the state against the nation just as much so and just as reprehensibly as the Hartford convention had done in war days.<sup>6</sup> John H. Todd wrote Crittenden that a tax on the banks would likely be a very unwise move, and that even if Kentucky had the right to impose such a burden, it would be dangerous. He said: "I believe it inexpedient and somewhat *perfidious* to impose such a tax, because the Bank was invited here by a resolution of the Senate of the State & called for by the wishes of the people; it deposited a large capital here, the diffusion of which is calculated to enhance the value prosperity of our country, to facilitate the conveniences of trade, to promote our agricultural interests, to encourage manufactures and above all to give us a current & general medium. Such conduct is calculated to excite collision between the State & Genl. Govt. not friendly to the interests of either."<sup>7</sup>

The banks, as was to be expected, refused to pay the tax, thereby incurring severe penalties. The Lexington branch applied to the District Court for an injunction to stop the execution of the law, claiming that it was unconstitutional, as it was designed to drive the banks from the state. The court refused to consider the constitutionality of the Kentucky statute, as the United States Supreme Court was expected soon to hand down a decision covering this point. It did, however, grant a temporary injunction restraining the state from collecting the tax and also requiring the bank to give security to the amount of \$40,000 not to take its funds out of the state until the question was settled.<sup>8</sup> The Supreme Court handed down its epoch-making decision in the case *McCulloch versus Maryland*, in which it upheld the right of Congress to charter the Bank of the United States and the right of the bank to set up branches in the several states. But no state might tax such branches, for such a right would be incompatible with the right of Congress to set the bank up in the first instance, since the power to tax is the power to destroy. The further principle was set up, however, that, just as the state might not tax an instrumentality of the nation, so the nation might not tax the instruments of a state government. The Kentucky Court of Appeals accepted this decision in the determination of cases involving these points as should have been expected, but in so doing it stirred up much unfavorable comment.

Many Kentuckians now for the first time began to feel in an exasperating manner the restraining power of the Federal Government. The *Kentucky Herald* railed at the tyranny that had saddled Kentucky and the West with a monster of iniquity, unwelcomed by them, unknown to the Constitution, and unknown to themselves except through its oppressive acts. It declared that the bank had taken from the poor and given to the rich, that it had paralyzed manufactories, brought in foreign luxuries, transported specie across the mountains, and driven the state banks into practices that were ruining the state. It seemed the state had no

<sup>5</sup> Doolan, "Old Court—New Court Controversy" in *Green Bag*, XI, 179.

<sup>6</sup> *Kentucky Gazette*, April 30, 1819.

<sup>7</sup> Crittenden MSS., Vol. 2, Nos. 189, 190. Letter dated February 4, 1818.

<sup>8</sup> McMaster, *History of the People of the United States*, IV, 504, 505. Also see *Niles' Register*, Vol. 15, p. 436.

powers left worth while. Were it not better that she should give up her state government and become a territory again?<sup>9</sup> The governor, in his message to the next Legislature, voiced the strong hatred that had grown up in the state toward the bank. He raised the question whether there was not a limit to the extent the Supreme Court could manacle a state. If one department of the National Government could set at naught the rights of a state, and be upheld in the usurpation by another department, state sovereignty was then no more than a byword and a mockery.

Balked in its attempt to tax the branches out of existence, the Legislature next tried a much less radical course. It resolved "that it is the wish, desire and the interest of the people of this State, that the president and the directors of the United States' bank recall their branches located in this state," and that the state's delegation in Congress be requested to take into consideration the expediency and constitutionality of repealing, by law or otherwise, the charter of said bank."<sup>10</sup> Another method to nullify the powers of the bank as far as possible was soon resorted to. If the state must remain saddled with the bank, then the only course that seemed to remain was to endure it, but pursue it in every way possible short of rousing the interference of the Federal Government. The bank, in making itself a part of the financial and commercial life of the state, dealt in promissory notes and other commercial paper which came to it in the satisfaction of debts, as security for loans, or in other ways. This activity was resented by the state, especially as it took business away from the Kentucky banks, which were particularly hard-pressed at this time. A case arose in the courts of the state in the latter part of 1819 involving the activities of the branch at Lexington.

In this case, known as the *Bank of the United States v. Norvell*, the Lexington branch brought suit against Joshua Norvell in the Fayette County Circuit Court to collect a promissory note of \$600 which had come into the possession of the bank through an assignment by Richard M. Johnson. Norvell refused to pay the note, according to common report, not to be permanently rid of the debt, but to set up the principle that the branches of the United States Bank had no power to purchase promissory notes. The court in its decision argued that the powers of the bank set down in its charter did not extend to the case in point. "If this section, with such an ample grant, was to have no restriction, the corporation with such ample means, instead of being the hand-maid, would, or might soon, become the mistress of the sovereignty that created it. The debts payable in property of every embarrassed individual might be procured at a fearful discount. Estates sold under executions might soon be engrossed by the bank at large sacrifices and disposed of at large advances. The evils of such a corporation existing may be more easily conceived than expressed." The limiting clauses in the charter were then cited where it was provided that the bank might not come into possession of land, except that necessary for its immediate purposes which should be mortgaged as security or which should be obtained in the satisfaction of debts previously made, and that the bank might not deal in anything except "bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or goods which shall be the proceeds of its lands." The court held that the present promissory note did not come under these headings and that, therefore, it should not be allowed to exceed

<sup>9</sup> McMaster, *History of the People of the United States*, IV, 505. Ohio about the same time as Kentucky, had attempted to drive the branches of the United States Bank out of her limits, by imposing a tax of \$50,000 annually on each. Tennessee also attempted to tax the branches within her jurisdiction.

<sup>10</sup> *Niles' Register*, Vol. 15, p. 385.

its powers twice, viz: in the first place by buying the note, and in the second place by forcing its collection. The court asked the rhetorical questions: "If, therefore, the plaintiff were not allowed to make the purchase of the note in question, yet as they have got it, are they allowed to hold it and coerce its collection, and be permitted to atone for the offense by paying the penalty, if it shall ever be inflicted? Or, in other words, when a positive law has declared that the act shall not be done—is the act good, when the penalty is paid, and can a title acquired contrary to the express direction of the law be a valid one?"<sup>11</sup> This decision was upheld by the Court of Appeals.<sup>12</sup> The supporters of the bank were much put out by this decision. Niles said: "The right of the bank to prosecute individuals in the courts of the United States is denied, and we believe has been successfully resisted on constitutional principles—how then is the bank to recover its monies loaned to the people of Kentucky, if the people are not pleased to pay their debts, which, however, every man ought to do?"<sup>13</sup>

The bank, being an instrument of the Federal Government, was closely associated by the Kentuckians with its ally and supporter, the Federal judiciary. Both came to be equally reprehensible in the eyes of Kentuckians and equally hated. The United States Circuit Court had early declared certain parts of the replevin laws unconstitutional, and a little later the District Court ordered all of its judgments to be discharged in gold and silver, instead of the Kentucky bank paper provided for by state law, and allowed only three months' replevy. It also established its own rules of court regarding its processes and setting up what should be subject to execution as to persons and property and the circumstances under which they might be levied on and sold. This threatened to rob the people of all their relief measures when the case should be tried in a Federal court. The principle soon reached the Supreme Court in a number of cases, and an interpretation of the processes of the Federal courts handed down which greatly chagrined the Kentuckians. It was held that Congress had the right to legislate concerning the issuing of executions by the Federal courts and that it had so exercised that right. The Process Act of May 8, 1792, adopted as a rule for the Federal courts the final process of the supreme court of each state as existing in September, 1789, subject to such changes as the Federal courts might prescribe. This was an effort to make the Federal courts conform in every state as closely as possible to the state courts. Therefore, any laws of Kentucky concerning the processes of her courts passed after that date did not affect the procedure in Federal courts.<sup>14</sup> In another case the Supreme Court reiterated the principle: "An officer of the United States cannot, in the discharge of his duty, be governed and controlled by state laws, any further than such laws have been adopted and sanctioned by the legislative authority of the United States. And he does not in such case act under the authority of the state law, but under that of the United States, which adopts such law."<sup>15</sup> The Supreme Court also held in the case of *The Bank of the United States v. Halstead* that the Kentucky relief law, which prohibited the sale of land under execution for less than three-fourths of the appraised value without the owner's consent, did not apply to the Federal courts.<sup>16</sup>

According to James Kent, these decisions "have given great dissatisfaction to some of the people of Kentucky and provoked much virulent

<sup>11</sup> In *Kentucky Gazette*, quoted in *Niles' Register*, Vol. 17, pp. 150, 151. See also *ibid.*, 177.

<sup>12</sup> *Ibid.*, 365.

<sup>13</sup> *Niles' Register*, Vol. 17, p. 145.

<sup>14</sup> *Wayman v. Southard*, 10 Wheaton 1.

<sup>15</sup> *The Bank of the United States v. Halstead*, 10 Wheaton, 63, 64.

<sup>16</sup> 10 Wheaton 51.



declamation against the court itself. During the late session of Congress, some member intimated that a judicial tyranny was secretly creeping in upon us; and, if we rightly remember the tenor of his discourse, we are to suppose that the venerable Chief Justice Marshall is little other than a Dionysius the Second, who uses the court as a whispering gallery, for discovering subjects upon whom to exercise his tyranny and cruelty. But, notwithstanding all that has been said to the contrary, we verily believe that the citizens feel their persons and rights almost as safe in the hands of the Supreme Court of the United States as in those of some of the states."<sup>17</sup> The people broke out in a great popular meeting in July of 1825, at which they resolved that Congress had no constitutional right to delegate to the Supreme Court or to the inferior courts the power to alter the execution laws of the states, that the recent Rules of Court adopted by the Federal courts in Kentucky were unwarranted, and that the Supreme Court ought to be so reorganized as to preserve the rights of the people of the different states to rule themselves.<sup>18</sup>

Governor Desha, in his message to the Legislature of November, 1825, attacked the Federal courts for adopting new rules on executions, and made bold to charge that the bank and the Federal courts were working together to prostrate the authority of the state. The Federal courts, he said, declared that they "had a right to make execution laws for the regulation of their own proceedings, without asking the sanction of the people's representatives, either in the state or general government, and the Federal judges for the Kentucky district have actually made their code and put it into operation, by which our citizens are imprisoned in direct violation of our own laws, and their property seized and sold in modes not provided in their statute book. The power thus assumed and exercised by the Federal judges is viewed, both in principle and practice, as nothing short of despotism. A power has erected itself in our state which deprives our citizens of their liberty and property by arbitrary rules, to which they have never assented, either in proper person or through their representatives, in their own Legislature or that of the Union."<sup>19</sup>

The unpopularity that the Federal courts had been steadily building up for themselves was greatly intensified by the attitude they assumed toward a system of laws that had been long forming concerning land tenure in the state. These laws were commonly known as occupying claimant laws, and their importance was so transcendent in the lives of the people for the first quarter of a century and more of the state's existence that it is necessary to note conditions that produced them and their nature. The Virginia method of granting lands in Kentucky was so utterly devoid of system that she left a perfect maize of land claims for Kentucky to fight over and straighten out after she became a state.<sup>20</sup> Settlers went out and located their lands wherever they saw fit, knowing not and taking little pains to find out whether some other person had preceded them. Markings were so indistinct and evanescent, and the system of recording grants so imperfect, that the same tracts and parts

<sup>17</sup> *North American Review*, Vol. 24, p. 355.

<sup>18</sup> *Argus*, July 13, 1825.

<sup>19</sup> *Niles' Register*, Vol. 29, p. 219. See also *Acts of Kentucky*, 1826, p. 199.

<sup>20</sup> See chapter II of this work. Virginia had passed a number of land laws for Kentucky before the latter became a state. The law of 1779 sought to bring as much exactness as possible to land surveys and claims. By this law the certificates had to mention the cause of the claim, the number of acres sought, and to describe "as near as may be, the particular location," so that "other may be enabled, with certainty, to locate warrants on the adjacent residuum." See *Reports of Cases at Common Law and in Chancery Argued and Decided in the Court of Appeals of the Commonwealth of Kentucky During the Fall Term 1808 and Spring and Fall Terms 1809* (Frankfort, 1815), Edited by George M. Bibb, I, xvi; Robertson, *Scrap Book*, 273.

of tracts overlapping were surveyed and entered many times. It was claimed that in one instance a tract of land was found that had thirteen separate locations on it.<sup>21</sup> Francois Michaux, in his travels through the state in the early part of the nineteenth century, noted: "Of all the states in the Union it is that wherein the rights of an individual are most subject to contest. I did not stop at the house of one inhabitant who was persuaded of his own right but what seemed dubious of his neighbor's." He said: "The same lot has not only been measured several times by different surveyors, but more frequently it has been crossed by different lines, which distinguish particular parts of that lot from the lots adjacent, which, in return, are in the same situation with regard to those that are contiguous to them. \* \* \*<sup>22</sup> This situation naturally brought about an inordinate amount of litigation. Kentucky became a lawyer's paradise, attracting many men of talent who might otherwise have remained east of the mountains. Letters similar to the following were being constantly received by the pioneer attorneys at law: "I wish to employ you in a suit against an Entry of 6,000 acres of land near the mouth of Clear Creek which interferes with a number of Claims of my Fathers. \* \* \*"<sup>23</sup> It was often claimed that Virginia had actually granted warrants for more land than there actually was in the state.<sup>24</sup>

These conditions greatly retarded the development of the state; many pioneers were turned away on account of this, and others who had settled on what they considered unlocated lands were either driven away through the constant fear of losing them or through actual dispossession. The parents of Abraham Lincoln moved over into Indiana, not because they did not like slavery (for little of that institution did they see in Hardin County), but rather on account of the uncertainty of land titles.<sup>25</sup> For the same reason largely did the parents of Jefferson Davis leave Christian County for Mississippi. But the most interesting as well as most pathetic case, illustrative of many another Kentuckian, was that of Daniel Boone, a simple, honest man who was ignorant of how to acquire wealth "except from the chase, or by the regular fruits of honest industry." He was soon left without an acre of the vast empire he had helped to win, and as old age crept relentlessly upon him he was constrained to beg for a place to lay his bones. He petitioned Congress to grant him 10,000 acres, and in a unique memorial to the Kentucky Legislature prayed it to further his case.

He recited his early hardships in exploring the Western country and vividly referred to his first sight of Kentucky. "\* \* \* Your memorialist," he said, "proceeded alone to the heights which overlook this terrestrial paradise, from whence he descended into those fertile plains, which are unequalled on our earth, and lay the fairest claim to the description of the garden of God." He immediately determined on a more thorough survey, "and, from its enchanting appearance, became inspired with the resolution not to suffer it longer to remain an unknown wilderness, tenanted only by wild beasts and visited casually by wandering savages; a spot which seemed to be pointed out by the finger of heaven to administer the choicest felicities to millions of human beings. He returned home and determined to risk his hopes and his little all of property in this delightful abode; delightful beyond the most sanguine wish of man, had no danger and hardship stood in the way of the golden fruit." He recounted his second visit to the region and his new hard-

<sup>21</sup> *Kentucky Gazette*, Feb. 28, 1822.

<sup>22</sup> Michaux, *Travels to the West*, 226, 227.

<sup>23</sup> *Breckinridge MSS.* (1795). Lewis Craig to John Breckinridge, April 9, 1795. This collection of MSS. contains many such letters.

<sup>24</sup> For instance, Robertson, *Scrap Book*, 273.

<sup>25</sup> Nicolay and Hay, *Works of Abraham Lincoln*, VI, 26.

ships: "Thus your memorialist for many months, a solitary wanderer and exile in a vast wilderness untrodden by the foot of civilized man; surrounded by savages who thirsted for his blood—and hunted him like a wild beast. An overruling Providence, however, seemed to have watched over his life and preserved him to be the humble instrument in settling one of the fairest portions of the new world." He was beset by the savages and forced to return to the East. "But though his hopes seemed now about to close in forever; yet, under a belief that a benevolent Providence could never intend so fertile and desirable a country should remain a waste, he did not despair. He accordingly proceeded a third time to make the experiment, which he knew must succeed or prove his last." This time success came and Boonsborough was founded.

Thus had he labored and risked his life a thousand times to conquer this wonderful land—not for himself, but for others, "for out of this vast extent of country he is unable to call a single acre his own." He had not desire for great wealth; indeed, he knew not how to acquire it. "He intended to contribute everything in his power to the settlement of the new country, not to monopolize, but to share in common with others its advantages. Unacquainted with the niceties of law, he did not intend to locate lands for others, but to take up a reasonable portion of those which were good, for the use of himself and his posterity." But adversity pursued him. "The few lands he afterwards was enabled to locate were, through his ignorance, generally swallowed up, and lost by better claims."

Reduced to this condition "and still animated with the love of discoveries and adventure, about 1794 he passed over to the Spanish province of Upper Louisiana, under an assurance of the governor, who resided at St. Louis, that ample portions of land should be given to him and his family. And this provision appeared the more necessary to your memorialist, inasmuch as old age was fast advancing upon him, and he had scarcely where to lay his head." Here 10,000 acres were given him and he was honored with an office in the Spanish government. On account of a technicality he had failed to complete his title when the country came into the possession of the United States, and his claim, therefore, disallowed by the American commissioners. "Thus your memorialist was left once more, at about the age of eighty, to be a wanderer in the world."

"Having no spot he can claim as his own, whereon to lay his bones, your memorialist has laid his case before Congress. He cannot but feel, so long as feeling remains, that he has a just claim upon his country for land to live on, and to transmit to his children after him. He cannot help on an occasion like this to look toward Kentucky. From a small acorn she has become a mighty oak, furnishing shelter and support to upwards of 400,000 souls. Very different, indeed, is her appearance now from the time when your memorialist, with his little band, began first to fell the forest and construct their rude fortification at Boonsborough. But, however he has assisted at the birth; has watched over her infancy when she was like to be strangled by the savage serpent; and can point to the spot where the savage lay in wait for his life; or from whence he was twice taken captive; can remember effecting by his escape the country's salvation—however he might claim something at her hands to make nature comfortable in her last decline, and to cast a cheering ray on the setting sun of life; in the hope that he might have it in his power to leave something to his posterity, that they might not say he had lived in vain; yet, as he is firmly conscious, that, however, he may have a claim upon the gratitude of the country he first settled, his services have not been confined to her, but are felt throughout the Union, and are likely to be still more so, his claim merits the regard of Congress.

He therefore solicits your honorable body to extend to him your support and influence, in aid of his petition before Congress, praying for a grant of such quantity of land, in the said Territory of Upper Louisiana, as they may think right; trusting it will not be less than the said 10,000 acres, which remains plainly marked out and unappropriated, and your memorialist will ever pray."<sup>26</sup>

The Legislature looked kindly upon the venerable old pioneer, recalling his many eminent services in exploring and settling the country "from which great advantages have resulted, not only to this state, but to his country in general; and that from circumstances over which he had not control—he is now reduced to poverty, not having, so far as appears, an acre of land out of the vast territory he has been a great instrument in peopling." "Believing also that it is as unjust as it is impolitic that useful enterprise and eminent services should go unrewarded by a government, wherein merit confers the only distinction, and having sufficient reason to believe that a grant of 10,000 acres of land, which he claims in Upper Louisiana, would have been confirmed to him by the Spanish government, had not the said territory passed by cession into the hands of the general government," the Legislature resolved that the state's delegation in Congress should exert their efforts to secure a grant of 10,000 acres for Boone.<sup>27</sup> He was rewarded both by Congress and Kentucky.

Such was the life history of a man in which the complicated land laws of Kentucky had played so melancholy a part. Inheriting a tangled skein of land laws from Virginia, the new state pursued a policy for the remainder of her lands little less complicated in its results than the old Virginia laws. In 1795 the head right system was set up, whereby the head of a family might buy at a stated price 200 acres. This set into operation the endless stream of legislation concerning the Green River lands. In 1798, the "Seminary claims" saw the light. These were lands granted to the seminaries or academies in each country, and were soon to complicate the land system still more, as the school system was a failure. In 1810, the Tellico lands were ceded by the Indians in Eastern Kentucky and a different system of rules was adopted to govern this tract. A method of land sales was adopted in 1815, through warrants issued at scheduled prices, and known as "Treasury Warrants" or "Kentucky Land Office Warrants." In 1820, the so-called Jackson Purchase, west of the Tennessee River was parcelled out by another method, similar to the township system used by the Federal Government. In 1835, all vacant lands were turned over to the counties in which they lay, thus adding another complication for new counties were frequently being cut out of the old with vague and unsurveyed boundaries, which resulted in land being entered in both counties. The above laws did not exhaust the early land legislation. Numerous provisos, amendments, and time extensions, were ground out by every succeeding Legislature. There was no uniform land system for the state; each section had its different laws and rules of procedure—with the silent specter of Virginia claims always hanging over all the state.<sup>28</sup>

The state courts were in an almost impossible situation in the beginning in adjudicating the flood of land cases that poured in upon them.

<sup>26</sup> *Niles' Register*, Vol. 4, pp. 36-38.

<sup>27</sup> *Niles' Register*, Vol. 4, p. 38; *Kentucky Gazette*, Feb. 4, 1812; Butler, *History of Kentucky*, 340-342.

<sup>28</sup> Ayres, "Land Titles in Kentucky" in *Proceedings of the Kentucky State Bar Association 1909*, pp. 175-180. For the lands west of the Tennessee, *Acts of Kentucky 1830*, pp. 89, 90. Speculators early reared their heads in this region. A correspondent to the *Kentucky Gazette*, October 11, 1821, said, "if you would listen to speculators, you would believe this country to be mostly swamps, intermixed with impassable green-brier thickets, and O! horrible snakes at every step."

There was no precedent, neither was there legal egress from many a labyrinth in which they soon found themselves lost. There was no solution except through what might be termed judicial legislation, and for this, conditions were perfect. George M. Bibb, said, "For a time, unfettered by precedent, undirected by rule, each decision was but a fact—multiplication of facts gave precedents, and precedents have grown into doctrine."<sup>29</sup> John Marshall said of this great structure which the Kentucky courts had been building decision by decision: "It is impossible to say how many titles might be shaken by shaking the principle. The very extraordinary state of land titles in that country has compelled its judges in a series of decisions to rear up an artificial pile, from which no piece can be taken by hands not intimately acquainted with the building without endangering the structure and producing a mischief to those holding under it, the extent of which may not be perceived."<sup>30</sup>

Judicial interpretations and legislation could not remedy wholly the confused tangle in land claiming and in its actual occupation. The call for positive legislation became insistent almost immediately. A person who had settled down on a tract of land, and expended years of labor in improving it, could scarcely be expected to look with equanimity on an absentee claimant who should appear and present a prior title. The House of Representatives, being much more susceptible to the will of the people, passed an occupying claimant law in 1794, only to see it killed by the more conservative Senate. On each succeeding year on until 1797, the House continued to insist on this law, with the Senate equally obdurate. Finally on this date the first occupying claimant law went through the Legislature and was signed by the governor. The main features of the law were as follows: The occupant was given the full use of the land rent free during the period from the time when he first entered upon it until the claimant gave notice of suit for recovery. The claimant was charged with all the improvements which were valuable and lasting made by the occupant up to the time of the notice of the suit; but the damage to the land through wastage and deterioration of the soil should be deducted from the amount which the claimant should pay for these improvements. Rent should start after the beginning of the suit and together with the profits should be deducted from the value of the improvements made since that time; but the claimant should not be held liable for these improvements beyond the total of rents and profits. If the value of all of the improvements was assessed at a greater amount than the value of the land, then the claimant might surrender the land to the occupant and demand payment for it.<sup>31</sup>

This law was, of course, designed directly for the benefit of the person occupying the land. If he should be dispossessed by a better title still his accumulations of buildings and other improvements must be paid for by the successful claimant. Perhaps, as a general rule, the absentee claimant should have had less consideration than the present occupant; but in many instances the absentee claimant had good reasons for not having taken possession of his lands sooner. This law worked unjust hardships on them. Improvements were sometimes valued so high that the evicting claimant could not pay for them. Michaux said on this point, "One very remarkable thing is that many of the inhabitants find a guarantee for these estates that are thus confused; as the law, being always on the side of agriculture, enacts that all improvements shall be reimbursed by the person who comes forward to declare himself the first

<sup>29</sup> *Reports of the Court of Appeals, 1808, 1809, I, xvi.*

<sup>30</sup> Quoted by Ayres, "Land Titles in Kentucky" in *Proceedings of the Kentucky State Bar Association 1909*, p. 175.

<sup>31</sup> *Green v. Biddle*, 8 Wheaton 70; Marshall, *History of Kentucky*, II, 208-212; McMaster, *History of the People of the United States*, V, 414, 415.

possessor; and as the estimation, on account of the high price of labor, is always made in favour of the cultivators, it follows that many people dare not claim their rights through fear of considerable indemnifications being awarded them, and of being in turn expelled by others, who might attack them at the moment when they least expected."<sup>82</sup> But the idea predominated that the person who had actually settled down on the land was an effective citizen, doing his part in building up the state, and that the claimant who came along later was most likely a speculator who might not be even a citizen of the state but rather a person who for his own good reasons had stayed away from Kentucky while the region was beset by the British and the Indians—and only now drifting back because the dangers were gone. Henry Clay clearly showed his sympathy for the occupants who had fought for their lands and their state: "Can it be reasonably supposed that the people of that district, after winning the country by conquest, under circumstances of privation, hardships, and gloom, of which a *true narrative* would, on account of their peculiarity, seem more like romance than history—a gloom not indeed uninterrupted, but, when interrupted, brightened only by the gleams of their own chivalric daring and valorous achievement; that such a people would consent to clear up grounds, erect houses, build barns, plant orchards, and make meadows, for the sole convenience of those who had *latent rights*, and who during the war, and while the improvements were making, had remained as *latent* as their rights."<sup>83</sup>

Liberal as this law was for the occupant, still there was a constant demand for further concessions. It became so strong and insistent that a further law was passed on the subject in 1812. As to be expected this law went still further in satisfying the clamor of the occupants. The improvements now need be neither lasting nor valuable in order to be charged against the claimant; the wastage and deterioration of the soil was not to be deducted from the value of the improvements; and the improvements made from the first occupation on up to the final judgment had to be paid for by the evicting claimant with the permission of deducting the rents and profits accruing from the time of the notice of the suit.<sup>84</sup> Various amendments were made to this law in almost every session of the Legislature for a number of years. By a supplementary law passed in 1819, the occupant could not be evicted by a claimant until his crops had been gathered; but if the crops took up very little of the land, then the successful claimant might assume immediate possession.<sup>85</sup> By an act passed during the following year an innocent purchaser was placed on the same plane as the original occupying claimant would have been.<sup>86</sup>

It was only natural that these laws should be bitterly attacked by claimants who had not yet settled on their lands and who on making the attempt found them already occupied. It was bitterly charged, and with the possibility of some foundation of fact, that the occupying claimant laws had been passed in order to afford litigation for the lawyers. It was said that without the baleful effect of these laws the land disputes would have been settled long ago. "But this would not have suited the nest of locusts which have been devouring the land for thirty years past

<sup>82</sup> Michaux, *Travels to the West*, 227, 228.

<sup>83</sup> "A Remonstrance to the Congress of the United States on the Subject of the Decision of the Supreme Court of the United States on the Occupying Claimant Law of Kentucky," House Document, No. 69, 18 Congress, 1 Session, Feb. 9, 1824, p. 48.

<sup>84</sup> *Green v. Biddle*, 8 Wheaton 73, 74; McMaster, *History of the People of the United States*, V, 415; *Acts of Kentucky 1811*, Innes MSS., Vol. 28.

<sup>85</sup> *Acts of Kentucky*, 1818, p. 761.

<sup>86</sup> *Acts of Kentucky*, 1820, pp. 150, 151.

by making laws to encourage litigation, whereby they have accumulated large fortunes, instead of being like myself. A Ploughman." <sup>37</sup>

The same "Ploughman" declared that the most fantastic values were placed on improvements: "Apple trees no bigger than a man's arm, ten dollars; fences, half rotten, at the full price of making rails and putting up; clearing at from ten to twenty dollars per acre; log houses nearly ready to tumble down, at more than a stone or a brick house could be erected—all these are called permanent improvements." <sup>38</sup> He said he had knowledge of a case in Scott County where a claimant was awarded his land but the appraised value of the improvements was more than the land was worth and in fact was more than the price the land and the improvements, themselves, would bring on the market. The claimant tried to pay the costs and give the land to the occupant. This was refused with the result that he had to appeal his case to the Court of Appeals to secure the right to give his land away. These laws were defended with equal vehemence: "They were, from the multiplicity of conflicting claims to the lands within the State, of vital interest to its prosperity and repose. They were demanded no less by justice than policy; they secured the honest but deluded occupant, who believed himself proprietor, because he had been the purchaser of the land which he occupied, from the loss of the labor of his life, in case of eviction by a paramount title, and they had the sanction of the example of Virginia." <sup>39</sup>

A case was not long in arising. In the United States Circuit Court for Kentucky a person named Green sued Biddle for the possession of a tract of land. The constitutionality of the occupying claimant laws speedily arose and the court certified the case up directly to the Supreme Court for a decision. The case was argued during the February term of 1821, and a unanimous decision was handed down that the occupying claimant laws were unconstitutional because they violated the compact that had been entered into between Kentucky and Virginia when they separated preparatory to the former becoming a member of the Union. The third article of the compact was specifically cited: "That all private rights and interests of land within the said district, derived from the laws of Virginia, prior to such separation, shall remain valid and secure under the laws of the proposed state, and shall be determined by the laws now existing in this state." The effect of the Kentucky laws was to make the claimant, Kentuckian, Virginian, or whoever he might be, pay for certain improvements that had been made on his land whether he wanted them or not. This was clearly a greater burden than the laws of Virginia at the date of separation required. It was no argument to say that no rights to the land had been disturbed, that only the remedy had been affected. The changed remedy really impaired the right. "Whatever law, therefore, of Kentucky," the court said, "does narrow these rights and diminish these interests, is a violation of the compact, and is consequently unconstitutional." <sup>40</sup> The opinion of the court was delivered by Justice Story on March 5. Five days later Henry Clay, as a disinterested person advising the court (*amicus curiae*), moved for a rehearing, on account of the fact that the defense had not been represented at all before the court, and that the interests of a large number of tenants were at stake. He believed that the court should not decide so important a case without first having heard the arguments for the defense. <sup>41</sup> The court decided to grant a rehearing.

The Supreme Court's decision on the land laws created much uneasi-

<sup>37</sup> *Kentucky Gazette*, March 28, 1822.

<sup>38</sup> *Ibid.*

<sup>39</sup> "Remonstrance to Congress," House Document, No. 69, 18 Cong. 1 Sess.

<sup>40</sup> *Green v. Biddle*, 8 Wheaton 1-18.

<sup>41</sup> *Ibid.*, 18; *Niles' Register*, Vol. 20, p. 36.



ness coupled with resentment, especially so since it came when the cup of woe of the average Kentuckian was full to running over. Having just secured replevin laws to protect himself from the ravages of the creditor, the Kentuckian was now being beset from another quarter in another vulnerable spot. Surely he of all people was the most unfortunate. In his message to the Legislature in October, 1821, Governor Adair called attention to this new danger. He said, "Whatever diversity of opinion may have existed, as to the expediency of some of the provisions in the latter acts [occupying claimant], the legislature never doubted its authority to pass all of them; and this authority has been affirmed to exist by our highest judicial tribunal in every instance where the question has been made. To estimate the great benefits flowing from the security and confidence inspired by this system, we have only to imagine what appearance, without it, the face of the country would now exhibit, and compare it with the state of improvement actually existing. The validity of some of those acts has been called in question before the Supreme Court, upon the ground of their reputed repugnancy to the compact between Kentucky and Virginia. It is remarkable, if the repugnancy really exists, that Virginia herself has never complained of it; and that she has never asked for the constitution of that tribunal which the compact itself, contemplating possible infractions of its stipulations, provides for; but that, on the contrary, she has, for such a length of time, acquiesced in that course of legislation which the policy of this state imperiously demanded, and which has so essentially promoted its prosperity. That the state of Kentucky had intended strictly to observe the compact, cannot be doubted; for, besides the good faith which has ever characterized it, the compact has been incorporated in both our constitutions—one of which was adopted subsequently to the act of 1797; and thus has given to it the most solemn and fundamental obligation. The character of the state, and the public interest, would alike seem to require that no measure should be omitted, which may tend to vindicate both." He, therefore, recommended to the Legislature that it retain counsel to support the validity of the state laws and consider the "expediency of opening a communication with Virginia, for the purpose of those mutual amicable explanations which may be called for by the occasion."<sup>42</sup>

The Legislature, following the advice of the governor, passed a set of resolutions in October (1821) accompanied by a temperate report, declaring that it considered the decision of the Supreme Court "incompatible with the constitutional powers of this state, and highly injurious to the best interests of the people; and therefore do, in the name of the commonwealth of Kentucky, and the good people thereof, solemnly remonstrate and protest against any such adjudication." It also resolved that two commissioners should be elected by the joint vote of both houses who should go to Richmond to treat "concerning the meaning and execution of the compact between this and that state; to obtain, if practicable, from Virginia, a declaration of her satisfaction with the construction and performance of said compact on the part of this commonwealth; and, if such declaration cannot be obtained, to invite a discussion of her objections; and, with a view to a final adjustment, to co-operate with Virginia in constituting a board of commissioners, as provided for in the 12th article of the compact." It was also provided that the commissioners should attend the rehearing of *Green v. Biddle* in the Supreme Court, and oppose any decision that might be attempted to be procured declaring the occupying claimant laws void, "in such a manner as they may deem most respectful to the court, and most consistent with the dignity of this state."<sup>43</sup>

<sup>42</sup> *Niles' Register*, Vol. 21, pp. 190, 191.

<sup>43</sup> *Niles' Register*, Vol. 21, pp. 404-405; *Acts of Kentucky 1821*, 456-469.

Kentucky felt that a serious situation had arisen. The right to deal with what she considered her own affairs was about to be challenged and perhaps seriously affected. The source of all the trouble was the compact with Virginia, entered into with no thought that it would become a weapon destructive of the rights of the state. As Governor Adair had said, Virginia was not concerned in the present trouble; she was not contending that any rights secured under the compact were being violated. It was, therefore, the logical move for Kentucky to forestall the Supreme Court if possible by securing the positive and perfect agreement of Virginia as to the meaning of the compact.

Henry Clay and George M. Bibb were selected to go to Richmond to carry on the negotiations.<sup>44</sup> In February, 1822, they appeared before the House of Delegates. Both had been born in Virginia but were now Kentuckians of great prominence. Their visit attracted much attention. The House was crowded with ladies and high dignitaries of the state to hear and do honor to these Virginia-born statesmen. They first presented a memorandum consisting of two propositions, either one of which they hoped to have accepted. Their first desire was to have Virginia to agree and state specifically that the occupying claimant laws of 1797 and of 1812 were not contrary to the intent of the compact; but if she were not willing to do this, then she should appoint commissioners to confer with Kentucky commissioners for the purpose of arriving at an agreement. Clay spoke first. On his way to Richmond he had visited his birthplace, the "slashes" in Hanover County, where he had seen again his father's grave and had gone over in his mind the days of his youth, and had recalled vividly his journey across the Alleghanies into the regions of Kentucky. With his mind revelling in such an atmosphere, he spoke for three hours, carrying his audience with him as he recounted the hardships of the early pioneers, who had risked their lives and everything to hew out for themselves homes in the wilderness. To be deprived of those homes by others who occupied places of security while the pioneers were facing the dangers was not just and should not be expected. He struck home the sentiment of love for home and fireside by quoting the lines from Scott:

"Lives there a man, with soul so dead,  
Who never to himself hath said,  
This is my own, my native land?"

The next day Bibb spoke to the same crowded chamber. Although both had attracted much favorable notice and expressions of friendship for themselves and the state they represented, they failed in securing the acceptance of their first proposition.<sup>45</sup>

The Virginia government, however, appointed a commissioner to go to Frankfort to continue the negotiations. Benjamin W. Leigh was selected and appeared in the Kentucky capital in the following May. He addressed the Legislature at great length, setting forth the complicated claims of Virginia, which had to do mostly with certain military lands "below the Tennessee," and which had not been entered before the separation of Kentucky. He was treated with becoming hospitality and friendliness by the Kentuckians, going the rounds of banquets and receptions.<sup>46</sup> Treating directly with Clay, as the commissioner of Kentucky, Leigh came to an agreement on June 5. The whole land question was to be submitted to a board of commissioners, none of whom

<sup>44</sup> *Kentucky Gazette*, Feb. 21, 1822.

<sup>45</sup> *Kentucky Gazette*, Feb. 28, 1822; Colton, *Life and Times of Henry Clay*, I, 70, 71.

<sup>46</sup> *Kentucky Gazette*, May 23, 1822.

were to be citizens of Kentucky or Virginia, who should meet in Washington, hear arguments from both sides, and make their award "on or before" April 1, 1823. A supplementary agreement was also entered into on the same day concerning various details, the most important of which were that the board's decision should not affect the sale of lands west of the Tennessee as provided for in the act of December 21, 1821, and that 109,449 acres represent the maximum amount of land that yet remained unlocated through warrants granted by Virginia prior to May 1, 1792, to "her State line" troops.<sup>47</sup> Kentucky immediately entered into the spirit of the agreement by appointing Hugh L. White of Tennessee and Jacob Burnett of Ohio as her commissioners, and retaining Clay and John Rowan as state's counsel to appear before the board.<sup>48</sup> Virginia, however, contrary to expectations proved obdurate. Her Senate definitely defeated the Clay-Leigh agreement and thus left the matter as complicated as ever.<sup>49</sup> This unexpected outcome left a feeling in Kentucky that Virginia, who had considered no rights of hers involved until the trouble had come up through another channel, was taking advantage of the situation to reap unearned and undeserved advantages.<sup>50</sup> Thus, was the state thrown back on the mercies of the Supreme Court.

The court held the rehearing of the case of *Green v. Biddle* during the February term of 1823.<sup>51</sup> Clay and Bibb at the instance of the state appeared for the defense. As Kentucky's position had not been argued in the first hearing, since the defendants had not been represented by counsel, Clay and Bibb now made a powerful effort to sway the court away from its former decision. Numerous arguments were brought forth, some of doubtful cogency, to show why Kentucky should be left alone in the management of her domestic land questions. It was argued that the compact, which was the source of the difficulties, was in fact illegal and void, and that, therefore, the plaintiff had no case. This was so because the Federal Constitution specifically stated that no state should make a compact or treaty without the consent of Congress. Congress had not consented to this Virginia-Kentucky compact, hence it was void. And not only that, but the compact was void for another reason: for it surrendered part of Kentucky's sovereignty to Virginia. And since sovereignty was "unalienable" the compact could not hold. The court answered that no method had been set down through which Congress should grant its consent to treaties between states, and that Congress by its consent to the admission of Kentucky into the Union had allowed the compact. As to the other objection on granting away sovereignty, one of the fundamental ideas in limited governments (and all the American states and the Nation were such) is that some of their sovereignty has been parted with. "If, then, the principle contended for be a sound one, we can only say that it is one of a most alarming nature, by which, it is believed, cannot be seriously entertained by any American statesman or jurist." The defense then carried the argument that Kentucky might not interfere with the lands within her own borders, to what they believed would be the logical conclusion, viz.: that Kentucky might not take her own land for public use unless the consent of Virginia were obtained. The court held that this reasoning was unsound, for Kentucky might use the well-established right of eminent domain for all such purposes. To the argument that the court could not declare the occupying claimant laws unconstitutional because the only objection to their validity was

<sup>47</sup> MS. documents in the *Clay MSS.*, owned by Miss Lucretia Clay of Lexington.

<sup>48</sup> *Niles' Register*, Vol. 23, p. 256; *Kentucky Gazette*, May 1, 1823.

<sup>49</sup> "Report of Commissioners of Kentucky, Henry Clay and John Rowan" in *Journal of the Senate of Kentucky, 1823*, pp. 31-33; *Acts of Virginia, 1822-23*, pp. 121, 122.

<sup>50</sup> See *Kentucky Gazette*, May 1, 1823.

<sup>51</sup> 8 Wheaton 19-108.

found in the state constitution (the compact was part of the state constitution), the court answered that it was sufficient to say that the laws in question were contrary to the Federal Constitution.<sup>52</sup> The defense maintained that the Supreme Court had no right at all to take notice of the case, for the compact declared that commissioners appointed by both states should settle disputes. To this the court replied that no such commissioners had been provided<sup>53</sup> and that even if they had been, they could decide only such questions that might arise between the two states, and not between individuals as in the present case. This compact was a contract between the two states and must be carried out. "If the article of the compact, applicable to this case, meant anything, the claimant of land under Virginia had a right to appear in a Kentucky court, as he might have done in a Virginia court if the separation had not taken place, and to demand a trial of his right by the same principle of law which would have governed his case in the latter states."<sup>54</sup> These Kentucky laws, which change the rights and remedies of Virginians and all others concerned, were, therefore, clearly unconstitutional and void. The court mindful of its duty could not decide otherwise: "We hold ourselves answerable to God, our consciences, and our country, to decide this question according to the dictates of our best judgment, be the consequences of the decision what they may."<sup>55</sup>

A dissenting opinion was handed down by Justice Johnson. He could look with much sympathy on Kentucky's position, and he could discover that she was not wholly to blame for it. "It was thought and justly thought," he said, "that as the State of Virginia had pursued a course of legislation in settling the country, which had introduced such a state of confusion into the titles of landed property, as rendered it impossible for her to guarantee any specific tract to the individual, it was but fair and right that some security should be held out to him for the labor and expense bestowed in improving the country; and that where the successful claimant recovered his land, enhanced in value by the labors of another, it was but right that he should make compensation for the enhanced value."<sup>56</sup> Regardless of laws and their interpretation and fine-spun theories, he believed it to be incompatible with the American system for a state to be rendered helpless in its most vital powers: "I cannot admit that it was ever the intention of the framers of this constitution, or of the parties to this compact, or of the United States in sanctioning that compact, that Kentucky should be forever chained down to a state of helpless imbecility—embarrassed with a thousand minute discriminations drawn from the common law, refinements on mense profits, set-offs, &c., appropriate to a state of society, and a state of property, having no analogy to the actual state of things in Kentucky—and yet, no power on earth existing to repeal or to alter, or to effect those accommodations to the ever-varying state of human things, which the necessities or improvements of society may require."<sup>57</sup>

A long petition of protest was formulated by Clay and Rowan against the court's decision. They threw away technicalities and presented Kentucky's case anew from the standpoint of common sense and equity. If the court's construction of the compact was sound and permanent, it was asked, "most respectfully, if the fact will not turn out to be, that Virginia has smuggled Kentucky into the Union, in the character of an independent state, while, in *reality*, she retains her as a colony." It was

<sup>52</sup> 8 Wheaton 85-90.

<sup>53</sup> Virginia had refused to adopt the Clay-Leigh Agreement, which would have set up such a board of commissioners.

<sup>54</sup> 8 Wheaton 84. See also *Kentucky Gazette*, May 9, 1822.

<sup>55</sup> *Ibid.*, 93. See also *Niles' Register*, Vol. 24, p. 3.

<sup>56</sup> 8 Wheaton 102.

<sup>57</sup> *Ibid.*, 104.

not reasonable to expect a state to allow its land system to be dominated by another state. "No state that possessed the power of legislation over its soil, could or ought to submit long, to tenures of it, unassociated with cultivation. The desolating effects of the numerous times of that sort in Kentucky have greatly retarded its agricultural advancement, and would, but for the benign effect of its occupying claimant laws, have thrown it behind its just destinies at least twenty years. The state could not have got along without them."<sup>58</sup>

Governor Adair took a strong and aggressive position in his message to the Legislature (November 4, 1823), against the Supreme Court. That body, he said, had declared the occupying claimant laws unconstitutional, "on which so much, both in principle and property, depended, and in which we very properly took so great an interest, and, notwithstanding the provision in the compact with Virginia, that, in the event of a dispute concerning the meaning or execution of the instrument, that the same should be referred to a tribunal therein provided for, and, notwithstanding Virginia had long acquiesced in our interpretation and execution of its stipulations, she refused to constitute the tribunal and make the reference, yet that court took cognizance of the compact between the states, as they would have done of a contract between private persons, and, by misunderstanding its meaning (which had been fully proved by our distinguished and patriotic counsel, and also further illustrated in the same view by an eminent citizen), and by disregarding what has been esteemed the well settled distinction between right and remedy, declared the whole of our claimant laws contrary to the compact and void." He then used menacing language that could be interpreted in no other way than as counselling armed opposition to the Federal Government, if it wished to carry the argument so far. He said: "I need not be told that the general government is authorized to use physical force to put down insurrection and enforce the execution of its laws; I know it, but I know too, with equal certainty, that the day, when the government shall be compelled to resort to the bayonet to compel a state to submit to its laws, will not long precede an event of all others to be deprecated." The results of the court's decision in producing litigation and distress among the people, he would leave to the Legislature to imagine; but this was not the worst effect that might come nor the one most to be apprehended. The principles set up must produce results which "sink much deeper and would produce infinitely more permanent evils." "They strike at the sovereignty of the state, and the right of the people to govern themselves. It is in this view that they have been contemplated and justly excited the apprehensions of the most intelligent and sober minded members of the community, and in this view the subject is committed to your most solemn consideration. In your wisdom the remedy is expected to be devised. \* \* \* I may fairly hope then, that, on this highly important subject, as well as all others that may come before you, you will act with the cool, dispassionate, manly deliberation which will always be found the surest, as well as the shortest, road to a correct decision."<sup>59</sup>

The governor's message immediately became the subject of attack and applause. He had transgressed in his suggested opposition to the Federal Government the limits beyond which many Kentuckians would

<sup>58</sup> "Remonstrance to Congress," *House Document*, No. 69, 18 Cong. 1 Sess., 42, 44. The anomalous situation of Kentucky not being master of her own land affairs, is seen in two petitions, one in 1824 and the other in 1830, calling on Virginia for lands to satisfy certain old claims—the lands to be located in Kentucky. Robertson, *Early Petitions*, 180-188. The same difficulty is brought out in a petition in 1834. See *American State Papers, Public Lands*, VII, 319.

<sup>59</sup> *Niles' Register*, Vol. 25, pp. 204, 205; *States Documents on Federal Relations: The States and the United States* (Philadelphia, 1906), Edited by Herman V. Ames, 106; *Journal of the Senate of Kentucky 1823*, 10-12.

not follow him. The debate was precipitated by a eulogy of the governor's message and a resolution of thanks to him. Some of the staunchest supporters of the administration believed that precipitate haste was being made to force through the eulogistic resolution. Rowan said that he would have preferred that the resolution had not been introduced; but, nevertheless, on a test he could not desert the governor. He recalled the Revolutionary services of Adair, and believed that he deserved thanks for warning his fellow-citizens of judicial encroachments. He certainly could not have admired the governor had he in this message "humbly recommended a second petition to the supreme court, like a degraded province of Rome, for a rehearing before a tribunal from which we had been repelled." Pope, while agreeing in general with the Governor's stand, would not press the matter immediately. The opposition strongly deprecated the unfortunate and menacing stand the governor had taken. The Supreme Court was an enlightened and able tribunal elevated above local feeling, and although all Kentuckians regretted its decision on the occupying claimant laws, still people should not wish to unhinge the Federal Government in unreasoning opposition to it. The governor's allusion to the possible dissolution of the Union should not have been made. Ex-Governor Slaughter declared he would oppose any resolution of thanks to Governor Adair; and Robert Wickliffe said that he would never be found guilty of thanking a public officer for doing his duty. He wanted to know whether there was any danger of an insurrection in Kentucky. If the Supreme Court had made a mistake, it was no business of the governor's to tell the Legislature. John Rowan replied that the court's decision was the essence of slavery, for what was slavery but the compulsion to labor for others. He did not look to physical force as a remedy, but such precedents were not unknown in history. A resolution was then laid on the table declaring that the general assembly, "considering that the final opinion of the court, no less exceptionable, is even more irreconcilable and alarming than the first, since the court, having retreated from the constitution of Kentucky, have fortified themselves with that of the United States, whence all hope of self-relief is placed beyond our reach, were we even disposed to change our own constitution, considering that, by this succession of untoward occurrences, Kentucky has been thrown into a situation of serious embarrassment; and that now, reduced to the alternative of submission or resistance, she will only consider the options which the latter present to her choice, in its various modes of redress; and considering that the mildest course, which combines with the probability of success, is the most eligible;" should appoint a committee to draw up a protest to Congress. These same sentiments clothed in concise words were later adopted in a set of resolutions on December 29, (1823).

Very direct language was used in the preamble, summing up the situation: "But why, it may be asked, were not the States, upon the formation of the Constitution of the United States, melted down and their existence abolished, if the doctrine be correct, that they cannot suit their remedial system, by varying it, to the varied condition of society. If one unaltered and unalterable system of laws was destined to regulate in perpetuity, the concerns of the people of the republics of America, \* \* \* why the afflicting expenses of sustaining twenty-four States, with the legislative, judiciary and executive machineries of sovereignty? Why, under this hypothesis, are they taunted with the *mock-lineaments*, contexture and aspects of sovereignty, when in *very deed*, they are dwarf vassals? Are the principles of Montesque vapid and illusory, and were the patriots who achieved the independence of the American States, and formed their respective constitutions and that of the United States, deluded into the erroneous belief that those principles were correct and had been verified by the experience of ages?" The Legislature "most

solemnly" protested against "the erroneous, injurious, and degrading doctrines of the opinion of the Supreme Court of the United States," pronounced in the case of *Green v. Biddle*. And in order to escape "the oppression and degradation inflicted by the opinion upon the State of Kentucky," it was resolved to present to Congress "a temperate but firm remonstrance" against these doctrines and "to call upon the nation to guarantee to the State its co-equal sovereignty with the States which compose the Union" and to request Congress to so organize the Supreme Court "that no constitutional question growing out of the Constitution of the United States, or the constitution of either of the States, involving the validity of State laws, shall [not] be decided by said Court unless two-thirds of all the members belonging to said Court shall concur in said decision."<sup>60</sup>

The remonstrance was drawn up and adopted on January 7, 1824.<sup>61</sup> In the outset, Kentucky declared that although she had not been a party to the suit in the case of *Green v. Biddle*, and could not have been, still she had the right to interfere and question the decision of the Supreme Court "because that Court has, in that case, most afflictively interfered with the great and essential rights of the State of Kentucky." The decision of the court, it was declared, disfranchised the State of Kentucky and relegated her to an inferior position in the Union of what were designed to be equal members. "That Court has, in that decision, denied to the State of Kentucky the power of legislating, even *remedially*, in relation to the territory she acknowledgely possesses; territory over which neither the Congress nor any state in the Union can legislate, and subjected her to the code of laws, in relation both to right and remedy, which existed in Virginia at the date of the compact." Indeed, the court had defeated the very purpose Kentucky had in separating from Virginia. The court seemed to think that in the compact of separation Kentucky "renounced forever \* \* \* the right of self-government, and the independence at which she arrived."—nay, even worse, to "produce a result which neither of the parties contemplated, and both deprecated; a result infinitely less desirable to the people of Kentucky, than the posture from which it was their avowed object, in forming the compact to escape. \* \* \* Yet the court has fastened upon the people of Kentucky, the *very code* which, on account of its inaptitude to their condition, they had intended by the compact to avoid, and have by their construction of that compact, denied them the *very faculty* with which it was the purpose of that instrument to invest them; the faculty of from time to time enacting laws for themselves, as their varied conditions and wants might indicate the necessity or expedience of doing so." It was contrary to the spirit of the Federal Constitution that a state's power to legislate over its own soil should be taken away. The tenth amendment to that instrument clearly stated "that the powers not delegated (therein) to the United States, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The actual pecuniary injury inflicted by the decision was the least of the evils apprehended. "It is the *principle* which that decision establishes at which they *shudder*, and with which they can never be reconciled. The people of Kentucky, tutored in the school of adversity, can bear, and with patience, too, the frowns of destiny, and all the adverse occurrences to which communities are liable; they can bear anything but degradation and disfranchisement; they value

<sup>60</sup> *Acts of Kentucky, 1823*, pp. 488-516; *Journals of the Senate of Kentucky, 1823*, pp. 189-220; Ames, *State Documents on Federal Relations*, 107, 108. For maneuvers in the legislature and different sets of resolutions offered see also, *Niles' Register*, Vol. 25, pp. 206, 207, 261, 275.

<sup>61</sup> *Acts of Kentucky, 1823*, pp. 520-527; *Journals of the Senate of Kentucky, 1823*, pp. 288-297; "Remonstrance to Congress," *House Document*, No. 69, 18 Cong. 1 Sess.; Ames, *State Documents on Federal Relations*, 108-111.

their freedom above every thing else, and are as little inclined to be *reasoned* out of it, as they would be to surrender it to a foreign force." It was an established principle of freedom "that the people who compose the society should enact the laws which the society needs. The possession or the destitution of that power constitutes the *mighty difference* which exists between *freedom* and *slavery*."

After all the question of being deprived of liberty was not changed by the identity of the agent which would do it. Should there, ought there to be drawn a distinction between the Federal Government attempting to raid the state of its liberties and a foreign government seeking to do the same thing? "If the same privative effects were attempted to be produced upon the individual and political rights of the people of Kentucky, by a foreign armed force, and they were not to repel it at every hazard, they would be denounced as a degenerate race, unworthy of their patriotic sires, who assisted in achieving the American Independence; as a people unworthy of enjoying the freedom they possessed. In that case the United States, too, would be bound, at whatever hazard, to vindicate the right of the people of Kentucky to legislate over the territory of their States; to guarantee to them a republican *form of government*, which includes the right insisted on. And can it make any difference with the people of Kentucky, whether they are deprived of the right of regulating by law the territory which they inhabit, and the soil which they cultivate, by the Duke de Angouleme at the head of a French army,<sup>62</sup> or by the erroneous construction of three of the Judges of the Supreme Court of the United States? To them the privation of political and individual rights would be the same. In both instances they would have lost the power essential to freedom, to the right of self-government. In the former case their conscious humiliation would be less than in the latter, in proportion to the sturdiness of the resistance they would feel conscious of having made, and in proportion to the hope they might entertain of emancipating themselves by some happy effort of valor, and thereby regaining their rights; but in the latter case the tyrant code to which Kentucky is subjected by that decision, is inaccessible, perpetual, and incapable of being changed, beneficially or suitably, to the condition of Kentucky, by any power beneath the sun."

The most important part of this appeal, the part that looked toward tangible results, concerned the reorganization of the Supreme Court. As it actually happened, there had been only four out of the seven judges of the court in attendance when the decision in *Green v. Biddle* was handed down and only three agreed with the decision. It was, therefore, true, as Kentucky had so bitterly complained, that it had not been a majority of the court that had declared the occupying claimant laws unconstitutional. It was said in the remonstrance, "The decision was given by three, a minority of the judges who composed that tribunal. There was a fourth judge on the bench; he dissented. Had the third agreed with the fourth, Kentucky had not been disfranchised; so that, in that particular case, the political destiny of a state was decided by a solitary judge. Can this appeal to the Congress, by the State of Kentucky, upon a subject in which she is so vitally interested, be unavailing? And has not the State a right to expect that her co-equal sovereignty with the other States of the Union be guaranteed to her by that body? Has she not a right to expect that the Congress will, either by passing a law requiring, when any question shall come before that tribunal involving the validity of a law of any of the States, that a concurrence of at least two-thirds of all the judges shall be necessary to its vacation; or increasing the number of the judges, and thereby multiplying the chances of the States to escape the like

<sup>62</sup> The Duke de Angouleme was the general who had commanded the French army that invaded Spain in 1823, at the behest of the Holy Alliance.



calamities, and of this state to escape from its present thralldom, by exciting the exercise of more deliberation and an increased volume of intellect upon all such questions."

Congress gave some passing notice to this appeal and remonstrance. The senate committee on the judiciary was instructed to inquire into the expediency of making the change in the court demanded by Kentucky, and due largely to the support of Van Buren a bill was reported out. The question was now debated at considerable length in both the Senate and the House. However, the bill was not passed.<sup>63</sup>

The failure to gain redress in Congress, did not prevent the Court of Appeals from disregarding the Supreme Court's decision. In the case of *Bodley v. Gaither*, it held that occupying claimant laws were constitutional notwithstanding the Supreme Court's decision to the contrary, because that decision was given by less than a majority composing the court. This led the National Intelligencer to remark: "If this decision be law, we shall have a goodly number of the decisions of the supreme court overturned. Up to this time, a majority of the judges has been supposed to constitute a quorum of the supreme court, and a majority of those present have been considered competent to pronounce a judgment on any question argued before them."<sup>64</sup> On the meeting of the Legislature in 1824, the question of reorganizing the Supreme Court was taken up again and debated with much heat. A set of resolutions was adopted on January 12, 1825, in which the court was severely condemned again, and Congress was reminded that she had not acted on the demands of the state made the preceding year. Congress might also realize that this was not "a temporary agitation in the public mind, and a rebellious spirit in the General Assembly. \* \* \*" It would also have the country in general understand that Kentuckians "view the reports sent abroad, of their readiness to acquiesce in principles so monstrous, as groundless calumnies upon the state character, and upon the patriotism and firmness of the people, and calculated to aid in the prostration of state sovereignty the main pillar of the Federal Union and American liberty."<sup>65</sup> Another effort was made in Congress to pass the measure, but nothing was accomplished.<sup>66</sup>

Numerous Kentuckians were now fast losing patience with the dilatory course of the Federal Government in redressing their grievances. Besides their various troubles with that authority over banks, execution laws, and courts, they were now in the very midst of their heated internal struggle over their own judiciary. In every direction they saw their authority set at naught. Governor Desha headed this discontent. In his message to the Legislature in November, (1825), he precipitated a crisis not only in internal affairs but also in federal relations. He boldly declared that "Since the last session of the general assembly there have arisen new causes of alarm and agitation which demand your immediate and serious attention." The bank was again assailed as a foreign despotism, in collusion with and supported by the Federal courts, running roughshod over Kentucky's rights. In this the governor was only voicing the sentiments of many of his fellow-citizens. A pamphlet of the day said: "By what right in this free country, has the court undertaken to give immunities to a corporation of stockholders, which are prerogatives allowed only in Europe, enslaved as she is, to her potentates and nobility? By the same right by which it has robbed us of the power of legislating for our own soil, the dearest and most essential attribute of sovereignty

<sup>63</sup> *Annals of Congress*, 1823-4, I, Part I, pp. 290, 1428, 2514, 2618; *Senate Journal*, 1823, pp. 30, 31; *Ibid.*, 1824, pp. 229, 232; Butler, *History of Kentucky*, 266-279.

<sup>64</sup> Quoted in *Niles' Register*, Vol. 29, p. 245.

<sup>65</sup> *Acts of Kentucky*, 1824, pp. 281, 282.

<sup>66</sup> *Annals of Congress*, 1824-5, pp. 365-370.

—the right which it has assumed of giving constitutions according to its views of political expediency, or rather its own political purposes. To this power Kentucky has yet to bow her neck.”<sup>87</sup> Governor Desha declared these two institutions “for a series of years, have carried on a systematic attack upon the legislative power of the state, for the double purpose of curtailing the sphere of its exercise, and rendering themselves wholly independent of its authority.”

The wrongs done the state by the Supreme Court's decision had not been redressed despite the numerous efforts of the Legislature. In the meantime the state was reaping the baneful effects of that decision. “At every term of the Federal Court, held in this town,” he said, “numerous judgments and decrees are obtained against our peaceful citizens, for the lands and houses which they have honestly purchased, built and improved; and orders given for their execution contrary to our laws. Our limitation acts are also wholly disregarded, and the non-resident land holder or domestic speculator, who has, perhaps, never paid the first shilling of his just taxes, for the support of our government, is permitted to progress with his action against the honest citizen for lands which he has purchased with his money, improved by his labor, defended with his arms, and paid taxes upon to his government. This is not all. The faithful citizen who has thus performed every moral, social and civil duty, is, upon eviction, charged with rents upon improvements himself has made, and if he cannot pay them, is subject to imprisonment, under the rules of court. And thus does this commonwealth suffer those who have improved, supported and defended her, to be stripped of the proceeds of their life's labor, and made the unpitied victims of heartless speculation and assumed power. It is my firm belief, that the insecurity now felt by numberless cultivators of our soil, may be found the chief cause of that extensive emigration which is now thinning the population of some of the finest sections of our state. The delay in obtaining redress for our wrongs, and the portentous indications of the times, sickens hope, and drive our industrious citizens, unwillingly, to seek peaceful homes in other states, where they may set under their own vine and fig tree, exempt from the evils which fill the mind of the Kentucky farmer with anxiety and apprehension.”

It was preposterous that the oppressor should be sole judge of the limits of the oppressions he might inflict. His authority should be resisted. “When the general government encroaches upon the rights of the state, it is safe principle to admit that a portion of the encroaching power shall have the right to determine finally whether an encroachment has been made or not? In fact, most of the encroachments made by the general government, flow through the Supreme Court itself, the very tribunal which claims to be the final arbiter of all such disputes. What chance for justice have the states when the usurpers of their rights are made their judges? Just as much as individuals as judged by their oppressors. It is, therefore, believed to be the right, as it may hereafter become the duty of the state governments, to protect themselves from encroachments, and their citizens from oppression, by refusing obedience to the unconstitutional mandates of the Federal judges.” He would not be understood as expressing a want of confidence in the general government; the complaint did not rest in the system but springs “solely from the erroneously constructions of the public functionaries who are selected to carry it into effect. \* \* \* Reformation is all that Kentucky asks, and without it she cannot be satisfied. In the meantime, no respect for the general government ought to induce the state to become the silent instrument of her own degradation. While, therefore, our grievances are laid before congress, and considered by that body, I would recommend

<sup>87</sup> *Lafayette to the People*, 8.

to your consideration whether the rights and honor of the state do not require that she shall prohibit the use of her jails for the purpose of imprisoning debtors under an authority unknown to her laws and constitution." <sup>68</sup>

This message seemed to take the Legislature somewhat by surprise. They had not considered conditions so serious and were apparently still unconvinced. A set of resolutions passed by the House by a considerable majority stated that no new causes of alarm and agitation, known to the House, had arisen since the last session of the Legislature. Detailed and varied specifications of the charges by the governor were then called for. Information was especially desired upon the activities of the United States branch banks, as to their dealing in real estate, influencing elections, escaping taxation, and other subjects of similar import. The governor was also requested to inform the House "of the mode deemed most advisable in the opinion of the executive, to refuse obedience to the decisions and mandates of the supreme court of the United States, considered erroneous and unconstitutional, and whether, in the opinion of the executive, it may be advisable to call forth the physical power of the state, to resist the execution of the decisions of the court, or in what manner the mandates of said court should be met by disobedience." <sup>69</sup> When it came to a test in actually opposing the Federal Government by other means than verbal weapons, the governor was loath to act. He advised a further appeal to Congress. <sup>70</sup>

With the gradual approach of better times, Kentucky began to forget much of her hostility to the United States Bank. In 1825, an Eastern critic of Desha's message to the Legislature observed, "Governor Desha, in his late Message to the Legislature of this state, has denounced the bank of the United States, and recommended the adoption of measures to drive away its branches 'located in Kentucky'. The Governor, probably, has never heard of the decisions of the Supreme Court on this subject. It is not to be presumed that he would advise resistance to the judgment of that tribunal within its acknowledged jurisdiction. Prejudice against the National Bank has disappeared on this side of the Allegheny; it is time that alarms so idle as those sounded by Governor Desha, should no longer be heard on the other." <sup>71</sup> In 1833, there were more stockholders in the United States Bank in Kentucky than from any other Western state. <sup>72</sup>

This bold flare-up in federal relations was destined to subside as quickly as it had arisen. A decision of the Supreme Court handed down in 1831, greatly eased the situation and soothed Kentucky's feelings. In the case of John Hawkins and William May v. Joshua Barney's Lessees, the court decided that a seven years' limitation law of Kentucky was not against the compact with Virginia. This was a law passed twenty years after Kentucky had entered the Union, declaring that no claims for land could be instituted against an occupant in the courts after he had been in peaceable possession of it for seven years. Occasion was taken in this

<sup>68</sup> Text of message in *Niles' Register*, Vol. 29, pp. 219-224; *Journal of the House of Representatives of Kentucky, 1825*, p. 7 et seq.

<sup>69</sup> *Niles' Register*, Vol. 29, pp. 228, 229.

<sup>70</sup> *Niles' Register*, Vol. 29, p. 292; *Journals of the House of Representatives of Kentucky, 1825*, p. 318.

<sup>71</sup> *Port Folio*, Vol. 18, p. 505.

<sup>72</sup> The holdings in the Western states were as follows:

Kentucky .....	22 stockholders, 252 shares
Louisiana .....	17 stockholders, 119 shares
Tennessee .....	5 stockholders, 258 shares
Ohio .....	14 stockholders, 556 shares
Indiana .....	2 stockholders, 50 shares
Illinois .....	2 stockholders, 167 shares

*American Almanac, 1833*, p. 141.

decision to say many things that were calculated to sound good to the Kentuckians, who had felt so aggrieved at the former decisions of the court. Justice Johnson, who had dissented in the case of *Green v. Biddle*, delivered the unanimous opinion of the court.<sup>73</sup> Kentucky's right to pass the limitation acts was strongly asserted: "What right has anyone to complain, when a reasonable time has been given him, if he has not been vigilant in asserting his rights? All the reasonable purposes of justice are subserved, if the courts of a state have been left open to the prosecution of suits for such a time as may reasonably raise a presumption in the occupier of the soil that the fruits of his labor are effectually secured beyond the chance of litigation." He declared that it was "impossible to take any reasonable exception to the course of legislation pursued by Kentucky on this subject." In fact the very limitation law of Virginia, itself, was adopted by Kentucky, and that not until twenty years had elapsed, during which time there was no hindrance at all upon claimants. Kentuckians read with pleasure this part of the decision: "It can scarcely be supposed that Kentucky would have consented to accept a limited and crippled sovereignty; nor is it doing justice to Virginia to believe that she would have wished to reduce Kentucky to a state of vassalage. Yet it would be difficult, if the literal and rigid construction necessary to exclude her from passing this law were to be adopted; it would be difficult, I say, to assign her a position higher than that of a dependent on Virginia. Let the language of the compact be literally applied, and we have the anomaly presented of a sovereign State governed by the laws of another sovereign; of one-half the territory of a sovereign State hopelessly and forever subjected to the laws of another State. Or a motley multifarious administration of laws, under which A would be subject to one class of laws, because holding under a Virginia grant, while B, his nextdoor neighbor, claiming from Kentucky, would hardly be conscious of living under the same government."<sup>74</sup>

There was much jubilation over the state at Kentucky's final victory. Charles A. Wickliffe, who appeared before the court, was given much credit for the outcome. The *Globe* (Washington, D. C.) was led to remark by the decision, "The old settlers of the country watched out their day, in guarding against the Indians. Those who immediately followed them, had a much more hopeless business, in contending with the land-jobbing lawyers."<sup>75</sup> There can be no question that Kentucky was sorely beset during this trying period of her existence. Her domestic difficulties were sufficiently plentiful to keep the people in a state of passionate agitation. The activities and interferences of the Federal Government, thus came at an unfortunate time. The occupying claimant laws concerned the very life and prosperity of the state. There was much reason for the people to feel that their very existence as a social unit was in jeopardy. The Supreme Court sternly declared the law untempered with sympathy and equity. In its later decision it departed from a "literal and rigid construction" of the compact and took into consideration the actual conditions in the state and how they would be affected by such a construction. Kentucky, jealous of her right to the mastery of her own household, declared her purpose of doing things which she had no intentions of doing when the test came. She wished only equality with the other members of the Union, and when it seemed this was assured her, she was quick to forget her threats and forgive. Her fundamental attachment to the Federal Government and the Union was never shaken, and when a few years later the crisis of nullification threatened the stability of the Union, there was no stauncher supporter of the Federal Government than Kentucky.

<sup>73</sup> 5 Peters 457-469.

<sup>74</sup> 5 Peters 466, 467.

<sup>75</sup> Quoted in *Argus*, March 2, 1831.

## CHAPTER LII

### THE RISE OF NATIONAL PARTIES IN STATE POLITICS: CLAY AND JACKSON

On national issues Kentuckians had always stood well together. Their democracy, a democracy of fact rather than of theory, had welded them into a unit in favor of Jeffersonian principles, and they had always loyally supported the party which had adopted those principles. The federalist party had never had a respectable following here for any considerable length of time. In fact, the charge of federalism, if successfully supported, against a person was likely to terminate his political career. But in state affairs such opposition leaders as Humphrey Marshall, more federalist than democrat, by taking advantage of the various mistakes of the dominant democrats and profiting from the distempers of the times, were often able to hold power for short intervals. And although they sometimes succeeded in being elected to Congress, the State always cast its electoral vote for the Jeffersonian democrats.

After the War of 1812, federalism throughout the nation declined rapidly. The party had made an unenviable record in the war, and with such burdens to carry as the stigma of the Hartford Convention, it soon ceased to be of any consequence. In the election of 1816, its candidate, Rufus King, received only thirty-four votes to Monroe's 183. There then ensued what was erroneously termed the "Era of Good Feeling," which Monroe consciously aided by his so-called "amalgamation policy" of appointing federalists as well as his own supporters to office. But as one party, even then as now, could never be large enough to include permanently all shades of political opinion, the "Era of Good Feeling" soon expressed itself more clearly as an era of bitter personal animosities and factional strife. Many lines of cleavage soon arose, with Henry Clay early taking positions on the questions of the day antagonistic to the President. The struggle for liberty that was being waged by the Spanish colonies in South and Central America strongly appealed to Clay, and freed from the responsibilities in the situation, he boldly argued for a repeal of the neutrality act, recently enacted, and for a recognition of the independence of the various revolutionary governments. The administration was slow to move in recognition or in giving too liberal an interpretation to the duties of neutrality, for it could not afford to antagonize Spain, as negotiations were in progress for the purchase of Florida and for clearing up other long-standing problems with that nation. Another point on which Clay opposed the administration and thereby produced consequences of far-reaching importance was Jackson's invasions of Florida in 1818. Jackson had been ordered to punish the Seminoles, but apparently without permission to cross the line into Florida.<sup>1</sup> With his characteristic impetuosity, he not only crossed into Florida and thereby endangered Spanish relations, but also by hanging Arbuthnot and shooting Ambrister, two British subjects whom he captured and tried as spys, might have embroiled the United States with

<sup>1</sup> Jackson claimed he had authority to enter Florida. Much discussion raged around the Rhea letter. See K. C. Babcock, *The Rise of American Nationality* (New York, 1906), 275, 276.

England. When the question came up as to disavowing Jackson's actions, the administration found Spain to blame. Many members of Congress refused to agree with the President, and among the leaders of these was Clay. An attempt was made to censure Jackson, and for two months the so-called Seminole debate went on.<sup>2</sup> Clay did not succeed in carrying through his resolutions of censure, but he did stir up the bitter and unending hatred of Jackson, which was to play so important a part in the politics of the nation for the next two decades. Clay, thus, found himself still further removed from the administration; he was in fact becoming the rallying point for all elements who had grievances of whatever nature against the President and his party.

All semblance of the federalist party was to soon disappear in Kentucky, and leave other lines for an opposition party to grow upon. The President's amalgamation policy was not received very heartily here, for nowhere had the hatred been more bitter against the federalists. The *Kentucky Gazette* was dubious as to the wisdom of this course, as the federalists had tried to dominate in other states where they had been received into the democratic party. According to this paper: "Whether Kentucky is not at this moment suffering by amalgamation of political parties is a question worthy of consideration."<sup>3</sup> The name at least died, but any of the erstwhile members who cared to continue their opposition found ample opportunity. The brilliant Clay could be followed with great respectability by any person who hated the Monroe administration for any reason whatever. The Kentucky branch of Tammany Hall (St. Tammany) was now being accused as an enemy to the administration and, with its mysterious ceremonies, it appealed to many. It was a political factor here of little consequence, but its secrecy called down upon it the attacks of the suspicious. "Bibulous" severely condemned it for its work in the dark and for its opposition to Monroe. He said: "I have been told, sir, that the *headquarters* of the Tammany society is at Lexington—that they meet there and do their business in secret, and in the dark—that they are bound by the most *honorable oaths* to stick together and support their chiefs in all their undertakings—and that they march in Indian file of four or five hundred, dressed like Indians, and imitate their savage customs and manners. I have been told, sir, that men of talent, wealth and education belong to this society and assume the dress and names of Cornstock, Pontiac, Tecumseh, Wynemac, Walk-in-the-Water, Owl, Big Bear, Fox, Wolf, Prophet and others."<sup>4</sup> On political questions the state was tending to divide into two parties, not yet clear-cut, but still with sufficient antagonisms to produce party feelings. No names were yet used to distinguish them, more than that the Monroe supporters were led by John Pope, and the critics of Monroe by Henry Clay.<sup>5</sup> As early as 1819 Clay was accused of attempting to line up the West for the next Presidential election and of attempting to organize a party in opposition to Monroe.<sup>6</sup> But sufficient time had not elapsed before the election of 1820 for an opposition party to arise—in fact sufficient issues, beyond personal ambitions, had not yet appeared. As a result the reelection of Monroe was assured, and he lacked only one electoral vote of receiving the unanimous support of the country.

As the election of 1824 began to loom up in people's minds, no outstanding man appeared. Various sections had their candidates, and the administration had its choice, but the lack of an opposition party had

<sup>2</sup> *Annals of Congress*, 15 Cong. 2 Sess., 583 et seq.

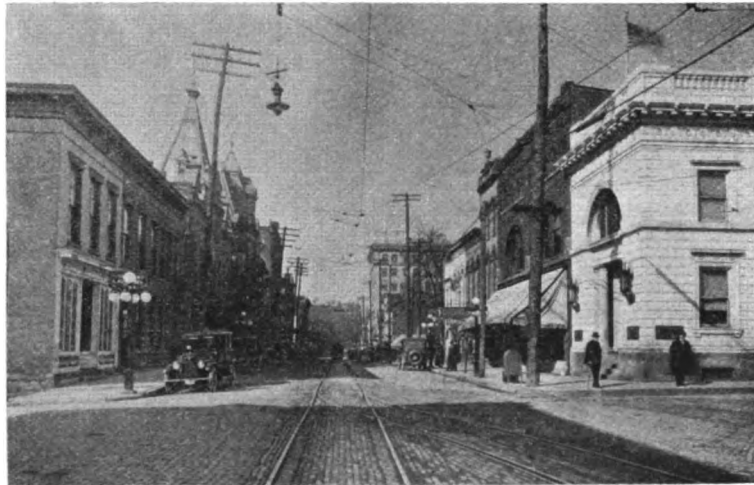
<sup>3</sup> Nov. 20, 1823.

<sup>4</sup> (Louisville) *Public Advertiser*, Oct. 6, 1818. Notices during this period appeared frequently in the *Kentucky Gazette* concerning meeting dates. They met "precisely at the going down of the sun." *Kentucky Gazette*, April 10, 1819.

<sup>5</sup> See *Memoirs of John Quincy Adams*, IV, 228-230.

<sup>6</sup> *Niles' Register*, Vol. 15, p. 9.

prevented any two from standing out as the candidates. A plethora of candidates was the logical outcome of the all-inclusive party filled with jarring personalities and ambitions. Adams became the choice of New England, Calhoun of South Carolina, Jackson of Tennessee, and Clay of Kentucky. Crawford was the administration candidate. The method of nominating the Presidential candidate had been through a Congressional caucus, by no means sure to represent the popular will, and at this time bitterly attacked by the other aspirants than the favored one. The caucus was attacked early in the parryings for preferment, so that Crawford was finally nominated by a small minority of Congress. The other candidates were brought forward by the legislatures of their home states and of any other states they could control. Clay was early selected by Kentucky. In a burst of enthusiasm a joint session of the Legislature had in 1822 unanimously declared that Clay was their candidate to succeed Monroe, and a committee had been appointed to further his candidacy in other states.<sup>7</sup>



STREET SCENE, FRANKFORT

Although Clay was Kentucky's favorite son, he was not without opposition in the state. Andrew Jackson had many admirers who could not desert him, even if a favorite son was running. The sheriffs who gathered in Frankfort to bring the votes of the August, 1824, election, expressed their presidential preferences as follows: First choice, Clay, 53; Jackson, 9; Adams, 2; second choice, Jackson 31; Adams, 20; Crawford, 17. A concerted movement for Jackson was soon started. A meeting was held at Georgetown, which recommended him for President and also suggested that a Committee of Correspondence should be organized, and advocated the calling of a general convention. Meetings in favor of Jackson were held at Lexington, Cynthiana, and other towns. A convention at Frankfort, under the leadership of George M. Bibb and Solomon P. Sharp, issued an address in support of Jackson, suggesting that Clay could not be elected and that the logical thing for Kentucky to do was to support the hero of New Orleans, a man of action rather than of oratory.<sup>8</sup> A considerable following was aroused. Louisville was especially a Jackson

<sup>7</sup> *Kentucky Gazette*, Nov. 28, 1822; Robertson, *Scrap Book*, 147, 149.

<sup>8</sup> *Kentucky Gazette*, Sept. 2, Oct. 28, 1824.

stronghold.<sup>9</sup> The tendency in this campaign was for the relief or new court party to afford most of the friends of Jackson. However, the party as a whole did not support him.<sup>10</sup>

As the election approached it became even more certain that Clay would easily carry the state. A circular letter in his support was issued by Barry, Rowan, Crittenden and others, and the *Argus* believed it useless for others to hope for Kentucky support.<sup>11</sup> It said of the situation: "The idea that any other candidates for electors can succeed in Kentucky, except those who are pledged to support Mr. Clay, is to us so utterly chimerical that we can look on their annunciation *as intended, in the general, for no other purpose than to produce effect abroad by keeping up appearance of division at home.* Those for Jackson will obtain many votes, but we have no conception that they will get a majority *in any one county in the whole state.* As for those in favor of Mr. Adams, it is questionable whether they will get as many votes as there are counties. Nobody thinks of offering for Crawford any more than if he were a citizen of Otaheite."<sup>12</sup>

Although there was absolutely no doubt that Clay would carry his own state, his chances of securing a majority of the electoral votes throughout the nation were exceedingly uncertain. Still, his situation was not hopeless, for if no one should receive a majority, the election would be thrown into the House, and he would then be the most popular candidate before that body. He had just been triumphantly reelected its speaker. The result of the voting was what most people expected: there was no election, as no candidate had received a majority. In Kentucky, Clay received almost three times as many votes as Jackson, but, outside of his own state's 14 electoral votes, he received only 23.<sup>13</sup> As Jackson received 99, Adams, 84, and Crawford, 41, he did not come within the three highest and therefore could not be voted on in the House of Representatives, where the election was now thrown. Clay now occupied the position of President-maker, shorn of the opportunity of securing the highest office in the land for himself. He could control the action of four states outright—Kentucky, Ohio, Missouri and Louisiana. From December (1824), when Congress met, until the final election, Clay was anxiously considering the situation. Crawford, who had suffered a stroke of paralysis, was out of the running now. The choice, therefore, lay between the other two, Jackson and Adams. Clay's dislike for Jackson had already become manifest in his attempt in the Seminole debate to censure him. He felt that the military experience of Jackson, with his fiery temper, had not fitted him for the civil head of the nation. As for Adams, he was a polished and educated statesman, experienced in his country's services for many years, and likely to serve the nation well as its chief magistrate. Moreover, Clay's real interest pointed to Adams, who was not really popular in the North, and who was much less liked in the South. Adams could scarcely hope to serve more than one term, and then Clay could easily come forward to carry the party to victory, for his tariff views were popular in the North, and in the Northwest he was scarcely less a popular idol than in his own state.

But the Kentucky Legislature suddenly interfered with Clay's program. There was no question that Jackson was easily the state's second choice, and now, since her own candidate could not receive the honor, she would confer it on the hero of New Orleans. On January 11, 1825, a resolution was passed declaring that Jackson was "the second choice of the State of Kentucky for the next President of the United States;

<sup>9</sup> *Niles' Register*, Vol. 27, passim, Vol. 28, 339.

<sup>10</sup> *Kentucky Gazette*, Aug. 26, 1824.

<sup>11</sup> *Kentucky Gazette*, Sept. 30, 1824.

<sup>12</sup> Quoted in *Niles' Register*, Vol. 26, pp. 194, 195.

<sup>13</sup> Clay received 17,331 to Jackson's 6,455.



that a very large majority of the people of this state prefer General Jackson to Mr. Adams or Mr. Crawford, and that the members of the House of Representatives in the Congress of the United States will, by complying with the request herein signified, faithfully and truly represent the feelings and wishes of the good people of Kentucky." The request was that the Kentucky delegation should vote for Jackson. This resolution was carried in the House 73 to 11 and in the Senate, 18 to 12.<sup>14</sup> When the election came before the House of Representatives, Clay paid no attention to the Kentucky Legislature's resolution and secured the election of Adams.

A great wave of indignation immediately spread over the state, expressing itself in numerous meetings denouncing Clay for disregarding the will of the state, and burning him in effigy.<sup>15</sup> The Jackson supporters argued that Jackson had received many more electoral votes than Adams had, and that he was undoubtedly the country's choice. This rage was greatly intensified when Adams appointed Clay to the office of Secretary of State. The cry of "bargain and corruption" was raised and sedulously spread throughout the country. It was perfectly evident, it was argued, that Clay had sold out to Adams, and his appointment to this office was perfect proof. An unsuccessful effort was made to defeat the confirmation of Clay. This groundless charge was pressed so unremittingly and with so much skill that Clay was forced to spend much time denying the charges and showing how utterly absurd they were, but some were never convinced, and Clay found the charges for years afterwards a frequent annoyance. Clay's position in the affections of the people of his own state was so dear to him that he made special efforts to disprove the charges there.

In the latter part of March he issued an address to his constituency, "the people of the congressional district composed of the counties of Fayette, Woodford and Clarke, in Kentucky," in which he entered into a lengthy defense of his course.<sup>16</sup> He was particularly anxious to explain his reasons for refusing to abide by the instructions of the Legislature. He said: "I considered, with the greatest respect, the resolution of the general assembly of the state of Kentucky, requesting the delegation to vote for General Jackson. That resolution, it is true, placed us in a peculiar situation. Whilst every other delegation, from every other state in the union, was left by its legislature entirely free to examine the pretensions of all the candidates and to form its unbiased judgment, the general assembly of Kentucky thought proper to interpose and to request the delegation to give its vote to one of the candidates whom they were pleased to designate. I felt a sincere desire to comply with a request emanating from a source so respectable if I could have done so consistently with those paramount duties which I owe to you and the country." The resolution declared it was the will of Kentucky that he should so vote. But the Legislature failed to inform him how it had arrived at this information, for the Legislature had repaired to Frankfort before he had left the state for Washington. "No election, no general expression of the popular sentiment had occurred since that in November," he declared. "when electors were chosen, and at that the people, by an overwhelming majority, had decided against General Jackson. I could not see how such an expression *against* him could be interpreted into a desire *for* his election." He had received letters from Kentucky expressing sentiments directly opposite to those of the Legislature, and some of these letters were from "a highly respectable portion" of his constituents. This was

<sup>14</sup> *Acts of Kentucky, 1824*, p. 279; *Niles' Register*, Vol. 27, pp. 321, 354; *The Works of James Buchanan* (Philadelphia, 1908-1911), edited by J. B. Moore, I, 133.

<sup>15</sup> Collins, *History of Kentucky*, I, 32.

<sup>16</sup> *The Life and Speeches of Henry Clay* (Philadelphia, 1854), I, 195-218; *Niles' Register*, Vol. 28, pp. 71-79.

Collins I 32;  
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one of the petitions: "We, the undersigned voters in the congressional district, having viewed the instruction or request of the legislature of Kentucky, on the subject of choosing a president and vice-president of the United States, with regret, and the said request or instruction to our representative in congress from this district, being without our knowledge or consent; we, for many reasons, known to ourselves, connected with so momentous an occasion, hereby *instruct* our representative in congress to vote, on this occasion, agreeable to his own judgment, and by the best lights he may have on the subject, with or without the consent of the legislature of Kentucky." He said: "This instruction came both unexpected and unsolicited by me, and it was accompanied by letters assuring me that it expressed the opinion of a majority of my constituents. I could not, therefore, regard the resolution as conclusive evidence of your wishes." He flatly denied the right of the Legislature to instruct the state's representatives in Congress. It had no more right to instruct members of Congress how to perform their duty than they had to tell the Legislature what it should do. "And, although nothing is further from my intention than to impute either absurdity or presumption to the general assembly in the adoption of the resolution referred to, I must say that the difference between an instruction emanating from them to the delegation and from the delegation to them, is not in principle, but is to be found only in the degree of superior importance which belongs to the general assembly."

Clay was at a loss to reason out how he had prostrated the maxim that the people should rule. "The illusion of the general's imagination deceives him. The *people* of the United States had never decided the election in his favor. If the people had *willed* his election, he would have been elected. It was because they had *not willed* his election, nor of any other candidate, that the duty of making a choice devolved on the house of representatives." Jackson had said that Clay had never risked his life for his country, that "he had never sacrificed his repose, nor made an effort to repel an invading foe" and that "*of course*, his conscience assured him it was altogether wrong in any other man to lead his countrymen to battle and victory." Clay generously answered this rather bad taste of Jackson's: "The logic of this conclusion is not very striking. Gen. Jackson fights better than he reasons. When have I failed to concur in awarding appropriate honors to those who, on the sea or on the land, have sustained the glory of our arms, if I could not always approve of the acts of some of them? It is true that it has been my misfortune never to have repelled an invading foe, nor to have led my countrymen to victory. If I had, I should have left to others to proclaim and appreciate the deed. The general's destiny and mine have led us in different directions. In the civil employment of my country, to which I have been confined, I regret that the little service which I have been able to render it falls far short of my wishes. But why this denunciation of those who have not repelled an invading foe or led our armies to victory? At the very moment when he is inveighing against an objection to the election to the presidency, founded upon the exclusive military nature of his merits, does he not perceive that he is establishing its validity by proscribing every man who has not successfully fought the public enemy? And that, by such a general proscription and the requirement of successful military service as the only condition of civil preferment, the inevitable effect would be the establishment of a military government?"

Clay ended his address with an appreciation of the good will his state had held him in, and solemnly denied that he had ever done aught to forfeit that respect. "Fellow-citizens, I am sensible that, generally, a public officer had better abstain from any vindication of his conduct

and leave it to the candor and justice of his countrymen, under all its attending circumstances. Such has been the course which I have heretofore prescribed to myself. This is the first, as I hope it may be the last, occasion of my thus appearing before you. The separation which has just taken place between us, and the venom, if not the vigor, of the late onsets against my public conduct, will, I hope, be allowed, in this instance, to form an adequate apology. It has been upwards of twenty years since I first entered the public service. Nearly three-fourths of that time, with some intermissions, I have represented the same district in congress, with but little variation in its form. During that long period you have beheld our country passing through scenes of peace and war, of prosperity and adversity, and of party divisions, local and general, often greatly exasperated against each other. I have been an actor in most of those scenes. Throughout the whole of them you have clung to me with an affectionate confidence which has never been surpassed. I have found in your attachment, in every embarrassment in my public career, the greatest consolation and the most encouraging support. I should regard the loss of it as one of the most afflicting public misfortunes which could befall me. That I have often misconceived your true interests is highly probable. That I have ever sacrificed them to the object of personal aggrandizement I utterly deny. And, for the purity of my motives, however in other respects I may be unworthy to approach the Throne of Grace and Mercy, I appeal to the justice of my God, with all the confidence which can flow from a consciousness of perfect rectitude."

When his duties in Washington were over, Clay returned to Kentucky. He was received with great enthusiasm all along his way across Pennsylvania and down the Ohio. He first landed in Kentucky at Maysville, where he was greeted amidst the booming of cannon and "the liveliest demonstrations of respect from the people." He said to the people here that the wanton and groundless attacks of his enemies had been "the occasion of demonstrations of regard and kindness toward me, on the part of my countrymen and my friends, which more than compensate for all the pain which it inflicted." He was entertained at a dinner which "was numerous and respectably attended," and the good will of the gathering was expressed in the toast to "Our distinguished guest, *Henry Clay*: In his recent vote for President, as a representative of the people, *conscience* was his *monitor*—he *obeyed*, and a great majority of the people of Kentucky *approve*, its dictates." He was soon convinced that his constituents had never lost faith in him, or that, if so, his address to them had completely restored it; for when he reached Bryan's Station, several miles from Lexington, he found about 100 of his friends anxiously waiting to greet him.<sup>17</sup> As he approached Lexington he was received by the people with demonstrations of joy and affection and was escorted to his home, Ashland, by a company of artillery cadets. On June 1st, a public dinner was given him, of which the *Reporter* said: "The respectability and intelligence, as well as the number of the assemblage, have not been surpassed on any similar occasion in this state." The Lexington citizens, in their invitation to Clay, declared that there had not occurred a session of Congress out of all that he had participated in "that your political acts were more completely in accordance with our wishes and views of national prosperity and repose than the one which terminated the arduous and responsible relationship that subsisted between us." To this Clay answered that he had desired "the good opinion of no portion of the public more anxiously than that of my immediate constituents. Judge then, gentlemen, what inexpressible gratification I derive from your assurance of the entire confidence which is reposed in me by my fellow citizens of Lexington and Fayette, who compose, at

<sup>17</sup> *Niles' Register*, Vol. 28, p. 244.

the same time, my nearest and most intimate friends and neighbors and a highly respectable and considerable part of my constituents." Clay was thus toasted: "*Our respected guest, beloved fellow-citizen and late able representative, Henry Clay*—We rejoice in the occasion of expressing to the world, and *emphatically to his enemies*, our undiminished confidence in his incorruptible integrity and our unqualified approbation of his conduct from his *first* to his *last* most important act, as our representative." This positive sentiment was expressed in a toast to the Third Congressional District (Clay's district): "It is now speaking its *instructions* in language not to be misunderstood or misrepresented. Let demagogues listen." And as for the claims that Jackson was elected, a toast to "Political Arithmetic" was offered: "When the teacher of the new rule of *supposition* decides whether it is 99 or 42 that makes a majority of 261, we will examine the operation and see if it proves itself."<sup>18</sup>

Clay was flooded with invitations to public dinners, many of which he could not accept.<sup>19</sup> At Frankfort he was received with generous applause and enthusiasm. More than 400 citizens of Woodford County, "many of them the oldest inhabitants of the country, and the early and constant friends of their guest" attended a public dinner in honor of Clay. In Clarke County he was greeted by almost 300 at a similar gathering, and at Paris 1,000 persons were said to have participated. In Scott County he sat down with 300 ladies and gentlemen, and in Jessamine County the gathering was very large. The enemies of Clay had most signally failed in shaking the confidence of Kentuckians in him. In fact, their accusations seemed to have placed him still stronger in their affections.

Public opinion in Kentucky was now engaged in the process of formation and crystallization around party leaders and national issues. Everything was in a state of flux and uncertainty, with the gaping wounds of state politics yet unhealed. Crittenden wrote Clay in November, 1826, that he believed Kentucky would "support the administration unless everything is given up to the fascination of a military name." He believed the state agreed with the main principles of the Adams party. "Our situation defies all calculation, however. The State politics have tended to excite all our feelings & to unsettle our opinions, if not our principles. We are upon a mighty quicksand & can hardly find 'terra firma' enough to stand upon!"<sup>20</sup> The state parties had not yet as a whole made their choice of the party they would support in national affairs, as was evidenced in the almost universal acclaim given Clay, but a tendency had manifested itself already on many occasions for the relief or new court party to support Jackson, and the old court party, Clay and Adams.<sup>21</sup> This development was at first considered to be wholly artificial and based on political expediency more than principle. In the latter part of 1825, resolutions were introduced in the Legislature in support of Clay and Adams, but were defeated by the relief party, as Crittenden believed, because Governor Desha thought this would be a

<sup>18</sup> *Niles' Register*, Vol. 28, p. 267.

<sup>19</sup> The citizens of Madison County to the number of four or five hundred met at Richmond, the county seat, and decided to invite Clay to a public dinner there. He was unable to accept. In his reply he said, "that his enemies had sought to destroy him in the affections of his constituents." He said, "They would have deprived me of the attachment and confidence of my constituents. My constituents have overwhelmed me by general and emphatic manifestations of their regard and esteem. They would have infused distrust into the minds of the people of my state, of the integrity of my public actions. Kentucky never displayed more entire satisfaction with me than at the present, to me, happy moment." *Niles' Register*, Vol. 28, pp. 296, 297.

<sup>20</sup> *Crittenden MSS.*, Vol. 3, Nos. 579, 580. Letter dated November 25.

<sup>21</sup> As an example of impartiality strikingly shown, see the Clay dinner in Frankfort in *Argus*, June 8, 1825.

good method to hold his party together.<sup>22</sup> A few months later Crittenden wrote Clay: "Our state politics have some effect naturally upon our National politics. This has been favorable as to Mr. Adams. The *Anti-relief* party have been his friends. The relief party has identified itself with the name and pretensions of Gen. Jackson. I think a little to his prejudice. The effect as to you has been temporarily disadvantageous. The Union between the Jackson men and the Judge breakers is artificial—it is rather a union between the *Leaders* than the parties. \* \* \* The alliance being offensive & defensive brought the Relief party to act against you. This Union will be dissolved as soon as the great question which now divides us is settled & most of the Relief party will return to their local political & personal attachments to you."<sup>23</sup> But, fundamentally, this cleavage and these alliances became permanent. Many relief men had a personal attachment to Clay which could be expected to hold under ordinary circumstances, when the choice was between Clay and some other candidate, but it was most likely to break when it was a decision between merely a Clay candidate and Jackson or a Jackson man.

The Jacksonian democrats were, in fact, everywhere, in Kentucky and out, likely to be more radical than the Clay and Adams party. It was, then, only natural that the majority of the relief party should join Jackson and the anti-relief party merge with the opponents of Jackson. In fact, the state parties and their names soon came to be a memory, as they became completely identified with the national parties. The *Argus* in 1827 said: "In Kentucky the prevailing anxiety which is felt on the national question has already obliterated in a great measure the distinctions of the State parties, which but a year ago seemed calculated to produce divisions among a people once almost unanimously devoted to the support of the republican principles which triumphed under the auspices of Mr. Jefferson over the feudal aristocracy headed by the elder Adams."<sup>24</sup> Party politics in the state was now for years to be made the tail of the national political kite. With few exceptions, divisions in the state were continued and intensified on national issues rather than on state affairs. It was easier to stir up feeling on national problems and, therefore, easier to hold the party together.

Preparations for the Presidential election of 1828 were begun by Jackson and his supporters immediately upon his defeat in 1825. In fact, the charges of "bargain and corruption" had been invented largely for this purpose, and the Jackson men were not going to let the people forget them. In Kentucky these accusations played an important part in the campaigning, being made use of from every possible angle. The Jackson men began early their maneuvers for advantage. They hoped to carry each contest prior to the Presidential election and thereby stand in an excellent position to carry the state for Jackson in 1828. They were very anxious to have their leader visit the state, through the belief that his presence would greatly aid the cause. But he was loath to run the risk of making what to him seemed an excellent position in Kentucky less favorable. He was conscious of the various constructions that would be put upon a visit from him. In 1826 he had intimated that he might visit Harrodsburg Springs in the interest of his wife's health. His friends seized this opportunity to urge him to come, but on Mrs. Jackson's health improving he decided not to hazard the trip. In answer to an invitation, he said: "I know that so far as Kentucky is concerned the unjust imputation which it is my wish to avoid would never be raised; or, rather,

<sup>22</sup> Crittenden MSS., Vol. 3, Nos. 528, 529. Letter from Crittenden to Clay, December 26, 1825.

<sup>23</sup> Crittenden MSS., Vol. 3, Nos. 565, 566. Letter dated April 22, 1826.

<sup>24</sup> Oct. 31, 1827.

that a great proportion of her citizens would attribute to their proper origin the objects of my visit, yet, when I reflect upon the management and intrigue which are operating abroad, the magnitude of the principles which they are endeavoring to supplant and the many means which they can draw to their assistance from the patronage of the government, I feel it is not less due to myself and to principle than to the American people, particularly so far as they have sanctioned my political creed, to steer clear of every conduct out of which the idea might arise that I was manoeuvring for my aggrandizement. If it be true that the administration have gone into power contrary to the voice of the nation and are now expecting, by means of this power thus acquired, to mould the public into an acquiescence with their authority, then is the issue fairly made out—shall the government or the people rule? and it becomes the man whom the people shall indicate as their rightful representative in this solemn issue so to have acquitted himself that, while he displaces these enemies of liberty, there will be nothing in his own example to operate against the strength and durability of the government.”<sup>25</sup> The following year he was invited to a public dinner in Frankfort, but plead short notice and the press of important business at home as an excuse for not attending. He took occasion here to refer to the tactics of his enemies: “It is true that reproach and calumny have opened their streams of reproach against me. Everything dear to one at my time of life, who, of necessity, must repose for character and good name more on the past than the future, and who must look rather to what has been than what may be, has indeed been violently assailed. Placed before the people, I was not weak enough to presume that the volume of my life would not be opened and ransacked and every public incident seized upon that by possibility might be used to my disadvantage, yet I did hope that a liberal and generous feeling on the part of my countrymen would spare me at least those assaults which slander and falsehood might delight to inflict. In that I have been disappointed. Yet have I found a redeeming security in this, that truth was mighty, and although for a time her principles might be obscured, in the end her triumph would be but the more complete.”<sup>26</sup>

Throughout the summer and autumn of 1827, Jackson dinners, barbecues, and various other kinds of meetings were held in almost every county in the state. The state leaders were actively organizing the state for a general convention which was to meet on January 8 (1828), a significant day in Kentucky’s memory.<sup>27</sup> On this day 203 delegates from fifty-nine counties met in Frankfort, with Robert Breckinridge as chairman. The electoral ticket for the state was agreed upon and a committee appointed to prepare an address supporting Jackson and Calhoun. It was further agreed that William T. Barry should be their candidate for governor. An effective organization for the campaign was laid, with a state treasurer as a very important part of it. The delegates were urged to raise money in their respective districts and forward it to the party treasury, where it was urgently needed for partially meeting the expenses of speakers, for printing campaign leaflets, and for other campaigning purposes. Thus was the Jackson party being welded together in their first important political convention.<sup>28</sup>

The Clay and Adams party was not without its plans and activities. It was generally understood that Adams was to be the candidate in 1828, to succeed himself, for he should be reelected to vindicate his first election and also to carry out the custom of giving each President two terms.

<sup>25</sup> *Niles’ Register*, Vol. 31, p. 103. Letter dated July 31, 1826.

<sup>26</sup> *Niles’ Register*, Vol. 33, p. 87. Letter dated September 4, 1827.

<sup>27</sup> See *Argus*, July-December, 1827.

<sup>28</sup> *Niles’ Register*, Vol. 33, p. 357; *Argus*, Jan. 16, 1828.

It was equally understood by Clay and his friends that he would have the honor in 1832. Clay early entered into the campaign in Kentucky for Adams. In the summer of 1827 he attended a public dinner in Lexington, where his great hold on his fellow-citizens was again manifested. The following sentiment was expressed in a toast to him: "The furnace of persecution may be heated seven times hotter, and seventy times more he will come out unscathed by the fire of malignity, brighter to all and dearer to his friends; while his enemies shall sink with the dross of their own vile materials."<sup>29</sup> Clay then entered into a long defense of his actions in voting for Adams in 1825 and launched out upon a bitter denunciation of Jackson and his methods. "Had I voted for General Jackson," he declared, "in opposition to the well-known opinion which I entertained of him, one-tenth part of the ingenuity and zeal which have been employed to excite prejudices against me would have held me up to universal contempt, and, what would have been worse, I should have *felt* that I really deserved it." He repelled with indignation the "vilest calumnies" against him and "the charges, under every cameleon form" and demanded proof. He accused Jackson of shady methods in the election of 1825 and pointed to the evidence. As to his voting against instructions, he said: "It has been a thousand times asserted and repeated that I violated instructions that I ought to have obeyed. I deny the charge; and I am happy to have this opportunity of denying it in the presence of my assembled constituents." He stated that the General Assembly had requested the Kentucky delegation to vote a particular way, and a majority of that delegation had not seen fit to follow this recommendation, but this did not violate the instructions, for they were not imperative but merely suggestive. But if anyone should wish to challenge this distinction, then he would abandon it and "dispute at once the right of the Legislature to issue a mandatory instruction to the representatives of the people. Such a right has no foundation in the constitution, in the reason or nature of things, nor in the usage of the Kentucky legislature. Its exercise would be a manifest usurpation." The people who elected the Legislature which had given the instruction had not elected it on the principle or with the understanding that it should instruct the Kentucky delegation in Congress how it should perform its duty. "I put it to the candor of every elector present, if he intended to part with his own right or anticipated the exertion of any such power by the legislature when he gave his vote in August, 1824." The only instructions which he had received from a legitimate source were from his constituents, and he had followed them, as had been frequently attested since.

As to Jackson's continued charges and methods of campaigning, he was glad the issues were now joined. "Heretofore, malignant whispers and dark surmises," declared Clay, "have been clandestinely circulated, or openly or unblushingly uttered by irresponsible agents. They were borne upon the winds and, like them, were invisible and intangible. No responsible man stood forward to sustain them, with his acknowledged authority. They have at last a local habitation and a name. General Jackson has now thrown off the mask, and comes confessedly forth from behind his concealed batteries, publicly to accuse and convict me. We stand confronted before the American people. Pronouncing the charges, as I again do, destitute of all foundation, and gross aspersions, whether clandestinely or openly issued from the halls of the Capitol, the saloons of the Hermitage, or by press, by pen, or by tongue, and safely resting on my conscious integrity, I demand the witness and await the event with fearless confidence."

With cutting invective he assailed Jackson as a man in whom he could

<sup>29</sup> *Life and Speeches of Clay*, I, 285; *Niles' Register*, Vol. 32, p. 375.

have no faith. "In voting against him as president of the United States I gave him no just cause of offence. I exercised no more than my indisputable privilege, as, on a subsequent occasion, of which I have never complained, he exercised his of voting against me as Secretary of State. Had I voted for him, I must have gone counter to every fixed principle of my public life. I believed him incompetent and his election fraught with danger. At this early period of the republic, keeping steadily in view the dangers which had overturned every other free state, I believed it to be essential to the lasting preservation of our liberties that a man devoid of civil talents and offering no recommendation but one founded on military service should not be selected to administer the government. I believe so yet, and I shall consider the days of the commonwealth numbered when an opposite principle is established. I believed, and still believe, that now, when our institutions are in comparative infancy, is the time to establish the great principle, that military qualification alone is not sufficient title to the presidency. If we start right we may run a long race of liberty, happiness and glory. If we stumble in setting out, we shall fall, as others have fallen before us, and fall without even a claim to the regrets or sympathies of mankind."

He would make it plain that he had not the slightest personal grudge against Jackson, neither would he belittle in the least his military glory. No one heard of the battle of New Orleans with greater joy than had been his—a joy which was alloyed, however, when he read in the official report charges that the Kentucky militia had ingloriously fled the field of battle. He would also have it understood that he was not making these statements "for the purpose of conciliating the favor or mitigating the wrath of Gen. Jackson. He has erected an impassable barrier between us, and I would scorn to accept any favor at his hands. I thank my God that He has endowed me with a soul incapable of apprehensions from the anger of any being but myself."<sup>80</sup>

Clay found his popularity undiminished among his fellow Kentuckians. Woodford County and the surrounding regions gave him a public dinner and reception at which more than 1,000 persons were present. At Paris, in Bourbon County, a dinner of even greater proportions was given him. It was reported that between 4,000 and 5,000 persons attended. According to the newspaper account, this entertainment "was the most sumptuous and extensive ever known in the Western country. Invitations from all parts of Kentucky, and many from Ohio, were hourly coming in, but could not be accepted."<sup>81</sup>

A Clay and Adams organization was fast being perfected throughout the state. County meetings were held and numerous resolutions ground out. In Bracken County it was declared that "We have the most entire confidence in the wisdom, virtue and patriotism of the present chief magistrate of the union. It is true he was not our first choice; Kentucky's darling son, he who had indeed 'filled the measure of his country's glory,' was the object of our most anxious hopes. Nor will we say that the present chief magistrate was even our second choice, but, restricted as we were when reduced to the alternative, Adams or Jackson—a statesman or a 'military chieftan'—we could not hesitate to sanction the election of our present worthy representative." Adams was endorsed for the Presidency and the continued confidence in Clay was expressed, "the contemptible *slang* of '*bargain and corruption*' notwithstanding."<sup>82</sup> The state convention was held on December 17, 1827, the first of its kind ever held in the state, at which 300 delegates were pres-

<sup>80</sup> *Niles' Register*, Vol. 32, pp. 375-380.

<sup>81</sup> *Ibid.*, p. 380.

<sup>82</sup> *Niles' Register*, Vol. 32, p. 192. This meeting also "Resolved, That we who are new court men, cannot but reject, without hesitation the attempt to identify us, as a party, with the supporters of Gen. Jackson. We act from principle."



ent, representing sixty counties. Adams was supported for the Presidency, and with regard to the Vice-Presidency, it was decided that no choice should be indicated, but that the selection should be left to the friends of the administration throughout the Union. For the state election it nominated Thomas Metcalfe.<sup>83</sup>

Outside of the personalities of the two candidates and of Clay, one of the most persistent points of interest and discussion was the charges of "bargain and corruption" in 1825, and Clay's refusal to be bound by the Legislature's instructions. As just noted, Clay had made this subject the burden of his speeches in the state during his visit in the summer of 1827. But it seemed that the charges would not be silenced with all the denials that Clay had been making. As a last resort and with a feeling of desperation, Clay collected together a mass of evidence and, with a long introduction by himself, gave it to the public in a pamphlet in January, 1828, entitled, *An Address of Henry Clay to the Public, containing Certain Testimony in Refutation of the Charges against him made by General Andrew Jackson touching the Last Presidential Election*. This pamphlet reached the members of the Kentucky Legislature near the time for its adjournment. The Clay supporters in the Senate believed that Clay's refutation had been complete and they determined to score a political triumph by passing a set of resolutions to that effect. Accordingly, resolutions were introduced declaring that the Legislature looked with indignation upon the attempt being made to blast the reputations of members of Congress who had voted for Adams, and that, after having thoroughly examined all the evidence, it had no hesitation in saying that the charges of "bargain and corruption" were utterly without foundation, were malicious, and were brought forward for no other purpose than to elevate General Jackson to the Presidency. The Jackson men at first attempted to defeat the resolutions, but, finding themselves in a minority on this question, they sought to obstruct their passage by calling for an investigation. The investigation, after an attempt at first had been made by the Clay men to defeat it, was made, in which seventeen witnesses were called and certain papers asked for. The Senate, as was to be expected, voted that the charges were not proved and proceeded to pass the original resolutions by a strictly party vote. The House, under the control of a Jackson majority, laid the resolutions on the table.<sup>84</sup> Concerning this investigation, a correspondent of the *Kentucky Gazette* said: "Even honorable Senators, invested with special delegated powers, forgetting their own dignity and the duties they owe their country and constituents, acting under the impress of this political fever and goaded on by the same mad and furious zeal, under the flimsy pretext of settling important principles and regardless of the subjects of legitimate legislation, have formed themselves into a body, infinitely more terrible than a Spanish inquisition, in order to whitewash their political friends and blackball their political enemies."<sup>85</sup>

A clever maneuver during this investigation was made by the Jackson men, greatly to the discomfiture of the opposition. As was well known, Adams had not stood out in times past for conspicuous friendship for the West. During the years 1822 and 1823 Amos Kendall had brought out in the *Argus* a series of letters or articles attacking Adams' course in the negotiations at Ghent and his hostility to the West. He had shown particularly how Clay had opposed Adams when he was attempting to trade the interests of the West for rights for New England fishermen. These publications being before the time when Clay's and Adams' inter-

<sup>83</sup> *Ibid.*, Vol. 33, p. 316.

<sup>84</sup> *Argus*, Jan. 23, 1827; McMaster, *History of the People of the United States*, V, 511, 512.

<sup>85</sup> Quoted in *Argus*, March 5, 1828.

ests had drawn each other together, were highly complimented by the former, who gave Kendall \$100 to aid in bringing them out in pamphlet form.<sup>36</sup> The Jackson men now cleverly tacked on to the original resolutions an amendment declaring that all of Kendall's charges against Adams were utterly false. The Clay and Adams senators were now caught in a distressing dilemma; whatever action they should take would stultify themselves. They voted down the amendment and passed the resolutions as above stated. But in so doing they had laid themselves open to the cutting lampoons of the Jackson party, which was quick to take advantage of this opportunity in an address to the people in which appeared the following: "If they voted for the amendment, with the evidence before them that Mr. Clay had himself circulated these charges and paid for their circulation, they would vote he was a slanderer and libeller. If they voted against it, they would vote that Adams was an enemy of the West, ready to sell its blood! In this predicament they divided; some voted that Clay was a libeller, and others that Adams was a knave; but the amendment was rejected by the casting vote of the lieutenant-governor. This shows that the party cares nothing for Mr. Adams; they will vote him a knave when he stands alone, but an honest man when connected with Mr. Clay."<sup>37</sup>

Nothing could better show how unnatural was the Clay-Adams alliance than this incident. It was very hard for the Kentuckians to grow enthusiastic over a man whom all a short while previously had agreed to be the enemy of the West, and a man who had shown it on every occasion possible. It was only the great attachment the people had for Clay that made Adams a possibility in Kentucky at all. It became increasingly evident as the campaign progressed that he was a mill-stone around the neck of Clay. The Jackson men began to say less about the favorite son of Kentucky, who was not running for the Presidency, and who therefore need not be attacked merely to antagonize his numerous friends, when Adams afforded such a perfect target. His record throughout had not a single bright spot for the West. Not only was his well-known record at Ghent constantly kept before the people, but even more puerile attacks on the negotiations were made. Adams had included as an item in the expenses at Ghent \$3,005.62 as "contingencies." The *Argus*, anxious for the people's money, would know what the "contingencies" were for which so large a sum of money was spent. "The people ought to know what it was for which he charged upwards of \$3,000 in three or four months, in addition to outfit, salon, and travelling expenses."<sup>38</sup> At a Jackson dinner in Lexington, at which Pope and Barry were the chief speakers, the following sentiment was offered in a toast: "John Q. Adams. As he was in the beginning, so he is now, and will ever remain—no real republican, no friend to the West."<sup>39</sup> This was a view rather widely held over the state, and not confined to the Jackson followers. As between Jackson and Adams, the campaigner could display the former to a thousand-fold better advantage to a Westerner—a Kentuckian. The one had grown up as an embodiment of the West while the other had filled the same role for the East. Barry, seizing this line of attack by the deadly comparison, pictured Jackson struggling in poverty in his boyhood and rising to his high position by sheer ability and determination. But on the other hand, "See the youthful Adams, born of illustrious parents, laid in the lap of wealth, dandled on the knee

<sup>36</sup> The pamphlet was entitled, *Letters to John Quincy Adams Relative to the Fisheries and the Mississippi*, first published in the *Argus of Western America*, revised and enlarged by Amos Kendall, 1823.

<sup>37</sup> Address to the People of Kentucky by the Central Jackson Committee of Kentucky; McMaster, *History of the People of the United States*, V, 512, 513.

<sup>38</sup> April 2, 1828.

<sup>39</sup> *Argus*, July 25, 1827.

of nobles, raised and educated in foreign lands in the midst of luxuries and far from war's alarms, imbibing in his very infancy, and confirming it in his approach to manhood, the principles of aristocracy and monarchy." He then charged Adams with having opposed the interests of the West in the Louisiana Purchase, the Cumberland Road, the canal around the Falls of the Ohio at Louisville, and he *believed* he was hostile to the tariff and to internal improvements. As to Kentucky's favorite son, "I respect Mr. Clay; but in politics, here we part."<sup>40</sup> Adams' record of friendship for the South was equally as open to attack as for the West. And, as Kentucky considered herself as much Southern as Western, Kentuckians could be weaned from him on this point. The Jackson men took particular pains to point out this hostility, and at the same time remind Kentuckians where the market for their horses, cattle and hogs was and where, therefore, much of their prosperity came from.<sup>41</sup> Thus was Adams a liability instead of an asset to the Clay party in Kentucky.

With all his qualities and associations so intimately Western, still Jackson was open to attack, particularly in Kentucky. Had he not unjustly censured the brave Kentuckians at New Orleans and, when the injustice of it was proved, had he retracted his base slanders? The less said about this subject the best, for his supporters found it hard to combat. However, when directly confronted with the subject, they answered it as best they could by claiming that Jackson was not wholly to blame for the criticism and that he had made amends.<sup>42</sup> An address issuing from Garrard County stated that "The claims of the Hero of Orleans to civil preferment are certainly not increased \* \* \* by the injury which [he] recklessly endeavored to inflict on the State of Kentucky by unjustly charging her volunteer soldiers with 'inglorious flight' at Orleans and by refusing to do justice when convinced of injustice. \* \* \*"<sup>43</sup> The Legislature executed a political maneuver by refusing to pass a resolution for firing a salute on January 8, 1828, for the battle of New Orleans, although it had been the custom for the past few years to so honor the day. There was added significance in this refusal, for this was the date set for the Jackson convention in Frankfort.<sup>44</sup> There was also a flare-up of Clay charges against certain bargains that Jackson and his supporters had sought to enter into in the election of 1825, and proof of the charges was produced.<sup>45</sup> This did not prove of much lasting importance in the campaign, as it smacked too much of being hatched to neutralize the Jackson cry of "bargain and corruption." The old political hack of complicity with Burr in his Western escapade was bandied at each other by both sides. Jackson was accused of having plotted against his country with Burr; and Clay was charged with the same crime by the Jackson party.<sup>46</sup> The question of the tariff and of internal improvements played practically no part in the campaign, although Clay attempted to introduce them as issues. In reply to a committee from Madison County who had invited him to a public dinner, he said: "All who are opposed to the American system—all who are opposed to internal improvements, are now united with others in their endeavors to defeat the reelection of the present chief magistrate and to elevate another individual. Should they succeed there cannot be a doubt that the

<sup>40</sup> *Argus*, Aug. 22, 1827.

<sup>41</sup> For example, see *Argus*, Sept. 17, 1828.

<sup>42</sup> See *Kentucky Reporter*, Nov. 6, 1826.

<sup>43</sup> Robertson, *Scrap Book*, 153.

<sup>44</sup> The House defeated the resolution by a vote of 53 to 37. *Niles' Register*, Vol. 33, p. 357.

<sup>45</sup> See *Niles' Register*, Vol. 35, pp. 97, 123-128.

<sup>46</sup> *Argus*, Oct. 8, 1828.

most powerful element of this association would afterwards prevail in the conduct of public affairs." <sup>47</sup>

This was the first real popular contest in a Presidential election that the state had ever experienced, and the ordinary individual entered into it with much zeal. Songs and symbols arose and played a determinable part in arousing enthusiasm. The Jackson men wore hickory leaves in their hats and carried hickory canes—all to show that they were for "Old Hickory." The Clay-Adams supporters carried hemp stalks, symbols of the American system of tariffs and internal improvements.<sup>48</sup> A song that was a worthy forerunner of "Tippecanoe and Tyler, Too," was the "Hunters of Kentucky." It was sung with great zest and animation and did much to keep up the Jackson enthusiasm. One of the characteristic stanzas was:

"But Jackson he was wide awake,  
And wasn't scared at trifles,  
For well he knew what aim we take,  
With our Kentucky rifles;  
So, he led us down to Cypress Swamp,  
The ground was low and mucky;  
There stood John Bull in martial pomp,  
But here was Old Kentucky:  
O! Kentucky,  
The Hunters of Kentucky." <sup>49</sup>

Numerous campaign posters and leaflets made their appearance. The Jackson party issued one in which they referred to a slighting statement the Clay party had made about the standing of the Jackson men that "the Jackson boys will be barefooted on the 3d of November and cannot come to the polls!" and cleverly turned the slur to their own advantage: "Remember, in the winter of '76 the soldiers of Liberty, under Washington, *stained the ice of the Delaware with the blood of their naked feet, in marching against the enemy of their country.*" <sup>50</sup>

The congressional and state elections held prior to the Presidential contest were looked forward to eagerly by both sides, as straws in the wind. In 1826 a special election was held in the Fifth District to fill the vacancy caused by the death of Col. James Johnson, which resulted in the election by a close majority of the Jackson candidate.<sup>51</sup> In the regular congressional election of the following year the signs pointed strongly toward a majority state-wide sentiment for Jackson, and, as the state was soon to abandon the district system for the general ticket in voting for Presidential electors, Jackson had excellent chances to carry the complete state delegation.<sup>52</sup> Seven Jackson congressmen were elected to five for Adams. The state House of Representatives was also carried by the Jackson party, as they were able to organize it by one vote.<sup>53</sup> The best barometer of party strength was yet to appear. This was the state-wide election for governor and Legislature in August directly preceding the Presidential election in November. The candidates for governor carried on a vigorous fight, with Barry perhaps more active than Metcalfe. The former stumped the state, engaging in joint debates at

<sup>47</sup> Colton, *Life and Times of Henry Clay*, I, 126, 127.

<sup>48</sup> *Argus*, Aug. 15, 1827.

<sup>49</sup> This song was written by Samuel Woodworth, who was also the author of the Old Oaken Bucket. *Magazine of American History*, 1884, 548, 549.

<sup>50</sup> Original leaflet in the Durrett Collection in the University of Chicago Library.

<sup>51</sup> This district was composed of the following counties: Scott, Harrison, Pendleton, Campbell, Boone and Grant. *Niles' Register*, Vol. 31, pp. 210, 241.

<sup>52</sup> *Niles' Register*, Vol. 34, p. 25.

<sup>53</sup> *Ibid.* Vol. 33, p. 1; see also p. 50.

times and speaking to thousands. Amos Kendall performed a signally active and valuable service as editor of the *Argus*. He used every possible art in furthering the cause of Jackson and the Jackson candidates, and he felt no hesitancy in bitterly assailing Clay.<sup>54</sup> The Jackson party was very anxious to obliterate all traces of the former old and new court parties. In their attempt to win the support of each of these old factions and escape the antagonisms of both, they took as a candidate for governor, Barry, who had been the chief justice of the new court, and for lieutenant-governor, Breathitt, who had been of the old court party. The *Argus* said: "All the friends of General Jackson should consider themselves, as in fact they are, *the same party*. In selecting their candidates they should forget that old and new court parties ever existed and look only to the triumph of the cause in which they are now engaged."<sup>55</sup> The Clay-Adams party, with Metcalfe for governor, held out conspicuously a course of conciliation. All parties should unite for the good of the state and vote their ticket. Metcalfe promised that he would look for merit in his appointees and not for their past political affiliations, for he would be governor of no political party, but of the state.<sup>56</sup> The results of this election were exceedingly close. Metcalfe, the Clay candidate, was able to defeat Barry by a vote of 38,940 to 38,231. Barry's defeat was attributed to certain tactics the Clay party had used in rousing the fears of the old court men that he would attempt to overturn the Court of Appeals again and in stirring up the settlers in the Green River region and in the Jackson Purchase by declaring that he was opposed to their interests. Barry's activities in the former new court troubles was undoubtedly used to some advantage against him. In the case of the lieutenant-governor, where these tactics could not be so successfully used, Breathitt, the Jackson candidate, was elected over Underwood by a vote of 37,541 to 36,454. This was the largest vote by far the state had ever polled, and it went beyond the estimates of either party. As was stated in *Niles' Register*, "This state was the great battle-ground of parties, and each exerted itself exceedingly."<sup>57</sup>

There could be little doubt now that Jackson would carry the state in November. The campaign was for the remaining time intensified, with Kendall pouring forth in the *Argus* his bitterest invectives against Clay and Adams and all they represented. Jackson received in November the Kentucky vote by a comfortable majority and by sweeping the rest of the nation was carried into the Presidency. His majority was 7,934, being over 1,000 votes more than he had received all told in the preceding Presidential election, when he was running against Clay. His complete vote was 39,394, which was more than twice the number Clay had received in 1824, and nearly 15,000 more votes than had been cast for both candidates in that election. No campaign in the whole history of the state had ever been fought so vigorously as this one. There were more than three times as many people voting in this election as in the preceding one. Truly Kentucky had been given a taste of national campaigning, and she had responded with unparalleled vigor.

The great national political game had now entered the state to stay. The national political organizations became the most vital interests now. The election had been largely fought out on enthusiasm and personalities, but they had been wonderfully effective in building up party organizations. With the parties fast crystallizing, something more tangible and lasting than personalities was destined to appear. Before another Presi-

<sup>54</sup> See *Argus*, June-November, 1828.

<sup>55</sup> Jan. 16, 1828.

<sup>56</sup> *Argus*, Feb. 4, 1829.

<sup>57</sup> Vol. 34, p. 411; *Argus*, Aug. 13, 1828; *Niles' Register*, Vol. 35, pp. 4, 23.

dent should be elected, candidates were going to be judged, not so much by their personalities but more by the principles they stood for. Important problems were arising and calling for solution; on these the national parties were soon to take very definite positions and stand out, not as Clay and Jackson parties, but as whigs and democrats.

## CHAPTER LIII

### DEMOCRATS AND WHIGS

There was great rejoicing throughout the West, for the people's candidate, and a representative of the West at that, had won.<sup>1</sup> Vast throngs flocked to Washington for the inauguration, of which Francis Scott Key exclaimed on this occasion: "It is beautiful; it is sublime." The reception following was entirely otherwise, but still in keeping with a celebration of the people's victory. High and low pushed into the White House to grasp the hand of the President, and there ensued a wild spectacle never equalled before or after. The jostling crowd upset the trays of the waiters, broke the dishes and smashed the furniture.

The people's president was now in power, and he was not slow in recognizing those who had put him there. Now he would put the rascals out to make way for his supporters; the spoils system was ushered in. There was no office so complicated that an ordinary man could not perform its duties. Jackson said: "The duties of all public offices are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience." No state had been more loyal, or made a stronger fight than Kentucky, and for this she should have her proper recognition. Barry, who had failed by so small a margin in the gubernatorial election, was made postmaster-general, and Kendall, who had fought so valiantly as editor of the *Argus*, was given a position in the Treasury Department. Blair, who succeeded to the editorship of this paper for a time, was soon called to Washington as Jackson's political editor and became a member of the famous "kitchen cabinet." Thomas P. Moore was made envoy extraordinary and minister plenipotentiary to Columbia; Thomas C. Pickett, secretary of legation to the same country; William Preston, minister to Spain; and Robert B. McAfee a little later, charge d' affaires to New Granada. Numerous jobs of less importance were meted out in the state. Post offices were filled with newspaper editors and others who had supported Jackson. Oldham, who had refused the nomination for lieutenant-governor in the interest of party harmony, was given the post office at Louisville.<sup>2</sup>

The methods of Jackson were immediately assailed by the Clay party, who bitterly complained that their representatives were being dismissed on all sides to make way for the hungry Jackson group. Governor Metcalfe, in his message to the Legislature in 1829, after calling attention to this deplorable situation, declared that if something were not done, he feared the results on the nation. He was undecided whether all officers should be elected or their salaries reduced.<sup>3</sup> The Jackson men answered

<sup>1</sup> Kendall was very happy at the result—so pleased that he was quite generous to his political enemies in their defeat. He admitted that in the recent state elections, the New Court men deserved defeat, because they had not consulted the people. He had been made to feel the heavy hand of his opponents. The state printing as well as national had been taken away from him, and he had lost many subscribers; but now victory was at hand. *Argus*, Nov. 12, 1828.

<sup>2</sup> *Argus*, March et seq., 1829; Doolan, "The Court of Appeals of Kentucky" in *Green Bag*, XII, 343; Collins, *History of Kentucky*, I, 358, 359.

<sup>3</sup> *Argus*, Dec. 9, 1829.

these complaints with like complaints of their own against the Clay party in state affairs. Metcalfe, they recalled, had, during the campaign for the governorship, promised that party affiliations should not count with him in his appointments, but, as it had actually turned out, Jackson's followers were proscribed and Clay men were appointed at every opportunity.<sup>4</sup>

Once settled in the Presidency, Jackson began to develop his principles on the problems of the day and to establish reforms. The tariff, the United States Bank and internal improvements were calling for attention. The positions he took on these absorbing questions had a marked effect on his support in Kentucky. In fact, these were issues on which the opposition built itself into a great political party, first known as national republican and then whig, who divided with the democrats the electorate of the nation until the alarms of approaching civil war destroyed the party. In Kentucky they developed a stronghold from which the democrats were able to dislodge them only on rare occasions.

The tariff question was the least troublesome at this time. Kentuckians, as already shown, were almost a unit in favor of a protective tariff, and Jackson had said so little about the tariff that his attitude could not be construed into hostility. The tariff of 1828 had been so cleverly devised by the Jackson leaders that it gave satisfaction to the regions of Jackson support, with certain objectionable features to New England. If it were rejected, New England would be responsible and the Jackson men would reap the reward of having introduced a protective tariff. The law was passed and Kentucky found no objections. The Kentucky delegates who had attended the tariff convention in Harrisburg in 1827, had, in an address to the people, clearly set forth the position of the state on the subject: "To Kentucky, exhausted by incessant drains of her specie to the East, to buy dry goods, and to the West, and North, and South, to buy land, and cut off from a profitable foreign market the proposed measures of relief cannot be otherwise than most salutary. They will have a tendency to revive our drooping agriculture and give life and animation to our villages. They will stimulate and enable us to improve our roads and our rivers and draw from our earth its abundant resources."<sup>5</sup>

Clay had been, since his early days in the state Legislature, a champion of the tariff, and he had later worked out his "American system" of tariffs and internal improvements. Until the rising party divisions between Clay and Jackson appeared, most Kentuckians had agreed with this system. But now, for party advantage, if for no other reason, there were those who opposed it simply because Clay was advocating it. Jackson's opinions on the tariff were not so tenacious and immutable as on other important questions of the day, but he had come to link it with the public debt, with the logical result that as the debt was paid off and a surplus began to accumulate, the tariff perforce would have to be reduced. The idea was prevalent in the South that a protective tariff was unconstitutional and destructive to the rights of the states. The tariff of 1828, designed on no scientific basis, but rather arranged as a clever political maneuver, had met with much opposition and came justly to be termed the "Tariff of abominations." A movement was soon on foot for a complete revision. The Kentucky Legislature came out strongly in support of a continuation of the protective tariff. It declared "That it is a constitutional exercise of power on the part of congress, to encourage and protect the manufactures of the United States, by imposts and restrictions on the goods, wares and merchandise of foreign nations, and that the acts of congress usually known by the name of the tariff laws

<sup>4</sup> *Ibid.*, April 6, et seq., 1831.

<sup>5</sup> Robertson, *Scrap Book*, 146.



are not only constitutional, but are founded upon principles of policy demanded by the best interests of these states." It also took occasion to endorse the other factor in Clay's American system—internal improvements. It resolved: "That congress does possess the power, under the constitution, to adopt a general system of internal improvements as a national measure for national purposes." It declared these sentiments should be forwarded to the governors of Virginia, South Carolina, Georgia and Mississippi "as the expression of the view of the general assembly of Kentucky on the constitutional power of congress over the subjects of domestic manufactures and internal improvements; and for the purpose of ascertaining the views and opinions of the several states of the United States on the subjects."

These opinions were not purely partisan, for the resolutions were passed by much larger majorities than the Clay supporters could command. A substitute offered for the first resolution that Congress had no constitutional power to lay duties or imposts designed to prohibit imports either partially or generally and that "the powers of congress are not general, but *special*, not omnipotent, but limited, and defined by the constitution" was overwhelmingly rejected by a vote of 82 to 12. Other substitutes were also decisively defeated. These were largely non-partisan opinions on subjects which Kentucky as a unit had generally favored. But when an effort was made to gain partisan advantage out of this for Clay, the situation changed. The preamble which contained this sentence was carried by only 18 votes: "And the general assembly of Kentucky cannot omit to avail itself of an occasion so appropriate to call to its aid the oft-repeated sentiments of their most distinguished fellow citizen, *Henry Clay*, whose zealous and able exertions and whose eminent services in support of both measures have been only equalled by his *ardent patriotism and unbending integrity*."<sup>6</sup>

The agitation over the country resulted in a new tariff, passed in 1832 and largely the work of Adams along the lines suggested by Clay. Although it continued unabated the protective feature, it was signed by Jackson and was not wholly unacceptable to the Jacksonian democrats. Thus the tariff could not be made a major issue in the campaign of 1832. Jackson's tariff opinions cost him few votes in Kentucky.

On the question of the United States Bank, Jackson had very decided views and prejudices, and in these he was supported by the West generally. This institution had been a competitor of the state banks and had brought down on itself the charges that it was a great tyrannical corporation and an agent of the money power. Senator Benton of Missouri had said of it: "I know towns, yea, cities, where this bank already appears as an engrossing proprietor. \* \* \* All the flourishing cities of the West are mortgaged to this money power. They may be devoured by it at any moment. They are in the jaws of the monster! One gulp, one swallow, and all is gone." The bank was also accused of being in politics. The Jackson party in Kentucky claimed that the branch at Lexington was helping Clay in the campaign in every way possible—that it would lend money only to the supporters of Clay.<sup>7</sup> Kendall, who had been so bitter an enemy of the bank in Kentucky, undoubtedly influenced the President in his hostility. But Jackson needed little urging, for, as he told Nicholas Biddle, the president of the United States Bank, "I do not dislike your bank any more than all banks, but ever since I read the history of the South Sea Bubble I have been afraid of banks." In his first message to Congress he referred to the fact that the charter of the

<sup>6</sup> *Niles' Register*, Vol. 37, p. 428. The Jackson members chided the Clay men for introducing politics into this set of resolutions, which were designed to express the general sentiment of Kentuckians. *Argus*, April 21, 1830.

<sup>7</sup> *Argus*, Oct. 31, 1832.

bank would expire in 1836, and the question of a recharter would arise. "In order to avoid the evils resulting from precipitancy in a measure involving such important principles and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to a deliberate consideration of the Legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens, and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency."<sup>8</sup> Believing that Jackson's position would not be upheld by the people, Clay and Biddle forced the bank question as an issue into the campaign of 1832 by pushing through Congress a bill rechartering the bank, although it still had four years to run. Jackson joined the issue by vetoing the bill.

The situation in Kentucky had changed somewhat since the days when relief had been uppermost. The state banking institutions left were the two branches of the United States Bank at Lexington and Louisville.<sup>9</sup> The people were coming to see that after all these institutions were valuable assets to the state, building up a prosperity which the state banks had endangered or destroyed. A merchant said: "From the best means of information within my reach, the office of the United States Bank at Lexington during the last year negotiated exchange transactions to an amount exceeding \$1,500,000 equal to one-half of the estimated exports of this section, the larger part of which was probably for the benefit of the stock-drovers. In thus promoting the general commerce of the country its advantages are extended to all classes, and the institutions should be, and I believe is, viewed as one of the great causes of our sectional prosperity and has thereby gained a corresponding popularity."<sup>10</sup> Jackson's summary action against the continuance of the bank thus won for him much less support here now than it would have done a decade earlier.

But the views of Jackson that cost him the most support in Kentucky were on the question of internal improvements. Clay had long been in favor of internal improvements and had made it a cardinal part of his American system. Kentuckians, irrespective of their politics, had also favored the development of roads, rivers and canals. They not only believed in engaging in these public undertakings, but held that the National Government should aid in their construction. Clay believed Congress should provide for the construction of interstate highways which could not or would not be undertaken by individual states or combination of states. He called attention to the fact that Congress had constructed light-houses and public buildings, provided for coast surveys and erected sea-walls—"everything on the margin of the ocean, but nothing for domestic trade; nothing for the great interior country." "Not one stone," he said, "had yet been broken, not one spade of earth removed, in any Western State."<sup>11</sup> The right to regulate commerce, he declared, included the full power to construct roads and canals in the interior. It should not be forgotten that the West was a mighty region: "A new world has come into being since the Constitution was adopted. Are the narrow, limited necessities of the old thirteen states, or, indeed, parts only of the old thirteen states, as they existed at the formation of the present Constitution, forever to remain the rule of its interpretation?"<sup>12</sup> In 1828 the Kentucky Legislature had recommended to Congress the

<sup>8</sup> Richardson, *Messages and Papers of the Presidents*, II, 462.

<sup>9</sup> See *American Almanac*, 1831, II, 244-247. The Bank of the Commonwealth was winding up its affairs. Many of the branches had been recalled or were continued only through a resident agent, and the paper notes were being gathered up and burned. *Niles' Register*, Vol. 32, pp. 37, 421.

<sup>10</sup> *Niles' Register*, Vol. 40, p. 194.

<sup>11</sup> *Annals of Congress*, 18 Cong., 1 Sess., I, 1035.

<sup>12</sup> *Annals of Congress*, 18 Cong., 1 Sess., I, 1315; Colton, *Private Correspondence of Clay*, 81.

extension of a branch of the National Road (Cumberland Road) from Zanesville, Ohio, by way of Maysville and Lexington in Kentucky through Tennessee, Alabama and Mississippi to New Orleans. A bill looking toward the construction of a link in this highway passed the House of Representatives and failed in the Senate only the vote of John Rowan, a Kentuckian. Adams was yet President and, had the bill passed, he would undoubtedly have signed it.<sup>13</sup>

Undaunted by this defeat, the citizens of Maysville secured the passage through the Kentucky Legislature of a bill chartering the Maysville and Washington turnpike, running for four miles between the two towns named. With commendable energy and speed this road was pushed to completion by November, 1830. This was a link of the Maysville, Washington, Paris and Lexington turnpike which had been chartered in 1827, with a capital stock of \$320,000. The bill for Federal aid, having been defeated in 1828, was introduced again in 1830. This bill authorized the Secretary of the Treasury to subscribe for the United States 1,500 shares at \$100 each. It passed the House by a vote of 102 to 84 and was successfully pushed through the Senate 24 to 18, with George M. Bibb, a Kentuckian, voting "nay" in this instance. John Rowan had been sufficiently "instructed" to vote for it this time.<sup>14</sup> Against the wishes of many of his closest counsellors Jackson boldly vetoed the bill and thereby risked the loss of some of his strongest support in Pennsylvania and the West. He based his argument against the Government appropriating money for local enterprises, not only on its unconstitutionality but also upon its inexpediency.<sup>15</sup> He refused to be blinded by the scheme of making this turnpike a link in a great national project—as much so as the National Road. He knew that only Kentucky, and largely that part between Maysville and Lexington, would be benefited, and, regardless of the fact that his support was particularly strong in this part of the state, he refused to be moved. This veto made the "Maysville Road" famous throughout the country long before it was actually constructed, and it served notice on the states that all such projects would receive like treatment.<sup>16</sup>

There was profound disappointment in Kentucky. Both the Jackson men as well as the Clay men had expected the President to sign the bill. In fact, on the passage of the bill by Congress, jubilation had reigned among Kentuckians, irrespective of parties, and Bibb had been severely condemned for his vote and burned in effigy at places. The Jackson democrats were undoubtedly surprised and chagrined, despite the claims of some that all opposition in Kentucky to Jackson's veto came from the Clay party. Trying to forestall any capital for Clay out of the veto, the *Charleston Mercury* said: "The friends of Mr. Clay in Kentucky, it seems, have burnt Senator Bibb of that state in effigy, because of his opposition to the Maysville road bill. This proceeding is equally silly and indecorous. Mr. Clay can no more *burn* his way to the Presidency than he can *eat* it. The principles upon which that bill was rejected by the President are such as must make a deep impression upon the minds of the people, and the only effect of burning its opponents in effigy will be to light them on to new popularity and power."<sup>17</sup> The South, which was strongly against the tariff and Federal aid to internal improvements,

<sup>13</sup> Collins, *History of Kentucky*, I, 539.

<sup>14</sup> *Ibid.*, 539, 540.

<sup>15</sup> Richardson, *Messages and Papers of the Presidents*, II, 483-493.

<sup>16</sup> The story is told that Jackson was influenced in his veto of the Maysville bill because of a practical joke that had been played upon him on his way to be inaugurated in 1829. On leaving Paris, Kentucky, Jackson was misled by some Adams men changing the sign-board, "To Maysville" to a point to Mount Sterling. The Jackson party passed on a considerable distance toward the latter town before the mistake was discovered. Collins, *History of Kentucky*, II, 73.

<sup>17</sup> Quoted in *Niles' Register*, Vol. 38, p. 302.

was bitterly condemned for voting almost solidly against the Maysville bill. Kentucky, being a border state, was already being drawn away from the South in numerous ways, and this vote tended to intensify the feeling of separateness. The *Frankfort Commentator* said: "To 'the generous south' we are indebted for *five* votes, including some from *Western Virginia*, which, in strictness, should not be reckoned with 'the generous south,' though Virginia is reckoned as a southern state. The four southern states (Va., N. C., S. C. and Ga.) have given 43 votes against us." It then laid the credit for passing the bill to the Clay party: "Looking at the list of ayes and noes, with reference to the political classification of the members, we find a *large majority of the ayes are opponents of the present administration*, while among the 86 who voted against this bill, we recognize but three or four who are not of the Jackson party."<sup>18</sup>

The parrying for party advantage and credit for the passage of the bill clearly shows that the Jackson party in the state was heartily in favor of Federal aid to internal improvements. Before the veto the *Argus* answered the *Commentator* in its claims of credit for Clay: "The appropriation of \$150,000 to the Maysville and Lexington turnpike, which has lately passed the House of Representatives, where there is a Jackson majority of 60 or 70, is also credited to Mr. Clay and his friends. When the bill receives sanction of the Jackson Senate it will be another feather in his cap, and when the President signs the bill, without which it could not become a law, the *Commentator* will exclaim: 'See what Mr. Clay has done!' and then we shall have a general shout in honor of *Henry Clay, the great champion of the American system!* During the whole time Mr. Clay was in Congress and the cabinet he could do nothing in favor of Kentucky; now that he is out, he does wonders! If his unqualified retirement brings down such blessings upon us, why not permit him to remain in it?"<sup>19</sup> The *Louisville Public Advertiser*, innocently enough expecting Jackson to sign the bill, remarked: "'A change we think has come over the scene'—'western interests will not *now* be neglected'—we shall *now* have *more action and less talk?*' Verily we think so too. The present administration acts on the principles it professes, and *now* western interests will not be neglected. 'A change has,' indeed, 'come over the scene.' The real friends of the country are in power—and therefore 'we shall have *more action and less talk.*' We rejoice to hear the enemies of General Jackson speak thus favorably of his administration.—'Truth is mighty and will prevail.'"<sup>20</sup>

The disappointment at the veto was expressed in many meetings throughout the state, which bitterly attacked Jackson—and none were more bitter than those in the regions of the proposed road. A large meeting was held in Lexington on June 21, 1830, to protest against the veto, and weld together the state into a unit for Clay. It declared that Congress had the power to aid internal improvements, that it had done so for the past twenty-five years, and that they viewed "with deep surprise and just regret" the refusal of Jackson to co-operate with Congress on this subject. Jackson had been elected with the understanding that he would favor such projects. The Maysville road was not a local project at all, but one out of which the whole West would profit; neither was the Louisville canal, which Jackson had also refused to let Congress aid, of local benefit alone. The President had recklessly used his veto power, to the detriment of the people's interests; therefore, an amendment to the Constitution ought to be adopted making a mere majority, instead of two-thirds, sufficient to override a veto. Other acts of Jackson, including his dealings with the Indians in Georgia, were also attacked. And

<sup>18</sup> Quoted in *Niles' Register*, Vol. 38, p. 286.

<sup>19</sup> Quoted in *Niles' Register*, Vol. 38, p. 286.

<sup>20</sup> Quoted in *Niles' Register*, Vol. 38, p. 286.

then came the expression of the real purpose of the meeting: "*Resolved*, That this meeting, in forbearing at this time to make a formal nomination of the pre-eminently qualified, talented and patriotic individual in its judgment most suitable for the next presidency, is actuated by the unwillingness to be subjected to the imputation of precipitation in a case in which partiality towards a neighbor and a friend might be supposed to have too much influence. But the preference of the people here assembled cannot be doubted; nor that they will manifest that preference on proper occasions hereafter." A "standing committee of correspondence" was to be appointed "to make manifest the truth and promote the success of the sentiments of this meeting, as now expressed, by all fair and honorable means in their power."<sup>21</sup>

The staunch and the untterrified of the Jackson party stood by the veto manfully, difficult as it was. A substitute set of resolutions was introduced in the Lexington meeting declaring that the Kentuckians had undiminished confidence "in the integrity, firmness and wisdom of the venerable president of the United States"; that they viewed the preservation of the Constitution in its "true intent and meaning" as more important than any "pecuniary advantage"; that they were opposed to new appropriations that would impede the time when the nation's debt should be paid off; that the Maysville road was in fact "*local and state*, rather than national improvements, and as such, is not certainly embraced in the provisions of our constitution as an object of national concern"; and rather ambiguously that "we will, as citizens of Kentucky, and as persons who are interested in the said road, do as our fellow citizens of other states are now doing, put our own shoulders to the work, and when the proper time shall arrive, we will in a proper way, call on the general government for aid." These resolutions were promptly voted down.<sup>22</sup>

The Jackson democrats used the arguments contained in these resolutions to combat the Clay party, together with such other reasons, as that the rights of a state would be seriously interfered with in carrying out federal aid to state undertakings. The Federal Government could take control of a state and run canals and roads anywhere it pleased regardless of the wishes of the state. This would also be an interference with the rights of private companies to construct such improvements.<sup>23</sup> They also accused the Clay party of trying to manufacture sentiment along the proposed road, and elsewhere, by holding meetings, and introducing a cut and dried set of resolutions—the same as were passed at Lexington. The *Argus* said: "An excitement is got up along the route of Maysville Road, and the neighborhood of its termination; public meetings are appointed by his friends in the towns, and his partisans from the country are particularly invited and pressed to attend; at their own home the managers of the business, send round a runner to rendezvous; a Chairman and Secretary are installed by those thus rallied and a preamble of turnpike resolutions are ready by way of introduction, and Mr. Clay is nominated to the Presidency by way of conclusion."<sup>24</sup>

As the issues were shaping and thoughts of a candidate were being indulged, Clay was instinctively looked to to make the race. After the election of 1828, when his term of secretary of state had expired with the going out of the Adams administration, he had retired to his home near Lexington, there to receive the plaudits of his fellow Kentuckians<sup>25</sup>

<sup>21</sup> *Niles' Register*, Vol. 38, pp. 360, 361, 364. The Lexington Reporter gave the following conundrum and answer: "Why is a man walking on a turnpike road like Gen. Jackson?—D'ye give it up? *Because he is trampling internal improvements under foot.*" *Ibid.*, 354.

<sup>22</sup> *Niles' Register*, Vol. 38, p. 360.

<sup>23</sup> See *Argus*, June 30, et seq., 1830.

<sup>24</sup> July 14, 1830.

<sup>25</sup> At a dinner given to him in Louisville which it was supposed at least 3,000

It was thought best by his friends that he remain in retirement for a year or two, in order to be able to best make the race in 1832. The committee of correspondence appointed by the Lexington meeting in June soon formulated a very lengthy address to the people of Kentucky, in which it opened the campaign against Jackson in favor of Clay. The former was bitterly attacked for his strong partisanship, and for his ruthless application of the spoils system, through which the public press of the country had been corrupted by the appointment of more than fifty editors to office. The Maysville Road veto was assailed at great length and Jackson's reasons for the veto was taken up and answered. Other acts of the President were also attacked. He had greatly disappointed the people who had elected him and even those who had opposed him. He was on the wrong side of all the great questions of the times. "If any one can still doubt that this administration is anti-tariff, anti-internal improvement, anti-western, anti-northern, and a real southern administration, let him look at its composition; let him ask himself what counsels have the ascendancy." It called on the people through the state to hold meetings and arouse public sentiment. "No government upon earth is absolutely beyond the reach of influence of public opinion. Those who affect to despise it are compelled to obey, if not to respect it. A general and strong manifestation of the public will may yet awe our public servants, and preserve our rights. But if not, if they will persevere in error, and treat with contempt the feelings and the interests of the people, there is another more efficacious though more distant remedy. The application of that remedy is at the polls." It believed that the people should begin now to think of and prepare for this application. Clay was then suggested as the most suitable person to receive the nomination against Jackson.<sup>26</sup>

The Clay forces throughout the state were being steadily organized in county meetings and conventions, and the state-wide convention was held in December, 1830, for the purpose of nominating a candidate for the presidency. Believing that Jackson had largely destroyed his following in the state due to his Maysville Road veto and to others of his measure, the Clay party tried to make their appeal for support as all-inclusive as consistent with their principles. The Clay members of the Legislature in November wished to call a convention for the purpose of passing on the national issues and indicating a preference for President; but the Jackson men, believing they had a majority, sought to use the Legislature itself for this purpose—such procedure having been common heretofore. The Clay party soon called the convention, at the time named above, supposedly non-partisan, but in fact to name Clay and support the principles he stood for. The party was referred to as "the friends of the union of the states and the American system" and "the friends of internal improvements, and the protection of domestic industry."<sup>27</sup> The convention was held with 290 delegates present, and Clay was nominated.<sup>28</sup>

At a convention held a year later, he was brought forward by the national party, which had taken the name, National Republican.

Although laboring under a handicap, especially on account of Jackson's hostility to federal aid to internal improvements, the democrats

persons attended, the following toast was offered: "Henry Clay—who by his pre-eminent talents; by his splendid services; by his ardent patriotism; by his all-embracing public spirit; by his fervid eloquence in behalf of the rights and liberties of mankind, has shed unfading glory on the country of his birth, and the age in which he lives." Among the other public dinners given him was one at Shelbyville, where 1,000 people gathered together. *Niles' Register*, Vol. 36, p. 349.

<sup>26</sup> *Niles' Register*, Vol. 38, pp. 406-412.

<sup>27</sup> *Argus*, Nov. 30, et seq., 1830; *Niles' Register*, Vol. 39, p. 90.

<sup>28</sup> *Niles' Register*, Vol. 39, 302; *Argus*, Dec. 21, 1831. At a convention held in December, 1831, R. A. Buckner was nominated for governor.

kept up a strong fight against the national republicans. Their party was less ably led, as they had no outstanding leader like Clay in the state, and the composition of the party lent itself less easily to organization and management. The democrats were predominately countrymen, and therefore scattered and less easily organized. The national republicans were, on the other hand, largely in the towns, and therefore more closely knit into a political organization. The *Argus*, admitting the superior organization of the national republicans, saw dangers in it for the people: "Ours is the popular side. It is the cause of the people and republican principles. The people then *must act in its defense*. Our opponents enjoy the only advantage which a monarchy has over a republic—which is a *concentration of all power* in the hands of *one man*. He directs their movements with sovereign control, and no man dare say nay to his mandates. But there is more energy in our party, if that energy can be roused into action."<sup>29</sup> The national republicans knew many political tricks for securing support and were not slow in using them. The democrats kept their organizations continuous, ready for whatever election that should come. In 1829, they made a fight to elect congressmen friendly to Jackson, and succeeded in maintaining the enthusiastic support, which had given the state to him the preceding year. Out of the twelve congressmen, ten were secured for Jackson, which was a reduction of the Clay members from four to two.<sup>30</sup>

There was no question that the democrats throughout the nation were resolved on Jackson to succeed himself. This was understood everywhere, and in Kentucky as early as elsewhere. The same month in which the national republicans were meeting to bring Clay forward saw the democrats in a state convention in Frankfort for the purpose of boosting Jackson and his principles. Much activity had preceded this convention in the shape of an address to the people by the central organization, and of county meetings and conventions passing their long sets of resolutions. As a result an enthusiastic convention of 353 delegates from seventy-one counties came together. It was pre-eminently a people's convention, made up of honest toilers. There were between 290 and 300 farmers among the delegates, or according to the news account, "9 out of 10 are farmers, and mechanics, men who work for their support, and are principally clothed in the manufacturies of their families."<sup>31</sup> Jackson was declared the choice of the Kentucky democracy. The regular nominating convention came a year later (December, 1831), where about 400 delegates from seventy-two counties came together. They formally named Jackson for the presidency and brought forward their fellow-citizen, R. M. Johnson, for the vice presidency. John Breathitt, the lieutenant-governor, was nominated for governor. The political contest over the firing of a salute for New Orleans the previous January 8th, had resulted in the House of Representatives passing the resolution, but the governor successfully vetoing it.<sup>32</sup> This convention now sought to undo this defeat as far as possible without arousing unnecessary hostility among those Kentuckians who still nursed the wounds of Jackson's censure. It had a salute fired December 23, as it was then in session, and as the skirmish on this day could hold no regrets for any Kentuckians.<sup>33</sup>

In the elections for the state legislature, party lines were less sharply drawn than in the other elections, and as a result the Clay forces with their superior knowledge of party tactics generally came out victorious. In the same election in 1829, which gave Jackson ten congressmen to

<sup>29</sup> Nov. 9, 1831.

<sup>30</sup> *Argus*, Aug. 19, 1829. Also see *Ibid.*, April 22, 1829.

<sup>31</sup> *Argus*, Dec. 15, 22, 1830.

<sup>32</sup> *Argus*, Feb. 16, 1831.

<sup>33</sup> *Ibid.*, Dec. 29, 1831.

Clay's two, an anti-Jackson Legislature was returned.<sup>34</sup> The Clay party systematically worked to obscure and obliterate party lines here, and they were successful. In Franklin County, eighty Jackson men voted for Crittenden for the Legislature, through the feeling that had been aroused that the man was more important than the party. And due to the obscurity of parties, it was often impossible to define the party of the legislators until they voted on some important political question. According to a Louisville newspaper, the Clay party "By singing the siren song of 'peace, peace—no party,' previous to the late August election, they succeeded in obtaining a majority in the Legislature."<sup>35</sup> In the succeeding election for the Legislature, of 1830, the Clay forces won again, fighting for control particularly because a United States Senator would soon be elected. Directly after the election the *Louisville Focus* bet \$500 that a Clay senator would be sent to Washington.<sup>36</sup> An effort was made by this legislature through fifteen ballots to elect a senator, but both parties were so badly divided on candidates, that the election was postponed until the next session.<sup>37</sup> The election of 1831, which also included congressmen, was more hotly fought, for the additional reason that the election of a United States Senator was also at stake. Being the first important election after the Maysville Road veto, it was looked upon by both parties as an important indication of public sentiment on the national questions, and as especially bearing on Clay's hold on the state. It was claimed by the Clay men that the Jackson party had sent into the mountains of the eastern part of the state, engineers to make a great noise and bustle in fictitious surveying to convince the people that Jackson was in favor of internal improvements. The results of the election were slightly in favor of Clay; but Jackson had failed to suffer the unpopularity that his enemies had expected and his friends feared. On a joint ballot in the Legislature the Clay forces could count on a majority of at least a dozen, which, thus, insured the election of a Clay senator. Of the congressmen, Jackson, claimed eight to Clay's four—an increase of two for the latter.<sup>38</sup> It was determined upon that Clay, himself, should be elected to the Senate in order that he might better make his campaign for the presidency from this point of vantage. Accordingly on the meeting of the Legislature in November he was elected over Richard M. Johnson by a vote of seventy-three to sixty-four.<sup>39</sup>

The election of 1832, coming in August just preceeding the presidential election and including the election of a governor, was looked upon as carrying not only an indication of the outcome of the next election but also an important moral effect. The Jackson men were greatly heartened, as they elected their candidate, Breathitt, by a majority of slightly over 1,000 votes. Their small majority was not discouraging, for

<sup>34</sup> *Argus*, Aug. 19, 1829; Aug. 25, 1830; *Niles' Register*, Vol. 37, p. 68. It was in the heat of this campaign that Charles Wickliffe killed Benning, the editor of the *Kentucky Gazette*. Shortly afterwards, G. J. Trotter, who succeeded to the editorship, killed Wickliffe in a duel near the Scott County line, with the participants fighting eight feet apart. Colton, *Life and Times of Henry Clay*, I, 90-93; *Niles' Register*, Vol. 36, p. 65; Collins, *History of Kentucky*, I, 35.

<sup>35</sup> *Louisville Public Advertiser* quoted in *Argus*, April 21, 1830.

<sup>36</sup> *Niles' Register*, Vol. 39, p. 55.

<sup>37</sup> The highest votes for each candidate follows: J. J. Crittenden, 68; R. M. Johnson, 64; C. A. Wickliffe, 49; John Breathitt, 66. Collins, *History of Kentucky*, I, 36.

<sup>38</sup> *Argus*, Aug. 17, 1831; *Niles' Register*, Vol. 40, p. 449; Vol. 41, p. 1.

<sup>39</sup> Collins, *History of Kentucky*, I, 36; *Niles' Register*, Vol. 41, p. 237. This political maneuver was bitterly attacked. The *Washington Globe* declared: "He will stand in that body, not as the representative of Kentucky, but of a few base men rendered infamous by the fraud perpetrated in electing him. He will be but the shadow of what he was once in congress, when he stood upon the basis of the democratic principles which he then avowed, and which the people of Kentucky still maintain." Quoted in *Niles' Register*, Vol. 41, p. 237.



they had feared a serious defeat. The Clay party carried the Legislature as usual, and also succeeded in electing the lieutenant-governor Morehead. There was in fact no great reason for Clay's supporters to feel that they had suffered defeat, or that they could not carry the state for their chief. This was one explanation for the defeat of their candidate, Buckner: "Mr. *Buckner* seems to have lost his election, because, being a member of a particular religious society he was suspected with being opposed to Sunday mails! In many cases he fell short of his ticket, and in others, no doubt, caused it to drag heavily. And so far did the opposition proceed against him on this account, that two 'Clay papers' supported Mr. Breathitt. And the counties beyond the Tennessee River gave majorities to the Jackson candidate that neither party calculated on."<sup>40</sup> The vote in the four counties west of the Tennessee, the so-called Jackson Purchase, was, indeed, remarkable. Breathitt received 1,856 votes here to Buckner's 276. In fact this region gave Breathitt a larger majority than he obtained throughout the whole state, and may therefore, be said to have elected him. With its scattered population, this region cast one vote for less than six free persons. The same region continued a most remarkably steadfast support of Jackson and the democratic party, which could not even be shaken by the throes of Civil war. Buckner's stronghold was in the Blue Grass region.<sup>41</sup> Breathitt was inaugurated soon afterwards, with the booming of cannon, much speech-making, and other forms of welcome and rejoicing.<sup>42</sup> Well might this be, for he was the first of his party since the days of Desha, and was destined to be the last until the shadows of Civil war were creeping over the state and party lines were being largely obliterated.

As neither party had won a decisive victory in this election, the uncertainty of the presidential voting was heightened. Both parties immediately set to work with great vigor and determination to carry the state for its candidate. Kentucky was considered a pivotal state by the national republicans, who now believed that they had successfully stayed the Jackson enthusiasm that had followed his first election and that their chances were excellent for electing Clay. As a Tennessean said to Crittenden, "thank God the day is passed by when a man is persecuted and humbled down for being anti-Jackson."<sup>43</sup> Serious defections from the Jackson party which had begun before the August election, were now continued, and the fact was displayed with advantage by the Clay forces. Jackson's vetoes of the Maysville Road and of the United States Bank were losing him much support in Kentucky, especially when coupled with the charges that the President was fast setting up an executive tyranny dangerous to the people's liberties. In June, thirty-seven prominent men of Louisville, who had voted for Jackson in his first election, sent out an invitation for a meeting at which resolutions condemning Jackson and lauding Clay were to be drawn up. They declared in their call that they had believed "that a debt of gratitude was due to General Jackson, for his patriotism and services to his country, together with other reasons of a political nature," and for these reasons they had been "among his supporters to elevate him to the distinguished office which he now holds." But now, "The duty which we owe to ourselves, our country, and to mankind, compels us to express our disappointment and deep regret at the course pursued by him in the administration of our government. The more we reflect and examine into the policy of his administration, the more we deplore and deprecate its effects. Moreover, we regret that General Jackson should have permitted his name again to be presented

<sup>40</sup> *Niles' Register*, Vol. 42, p. 450; *Argus*, Aug. 29, 1832.

<sup>41</sup> *Niles' Register*, Vol. 43, pp. 3, 20.

<sup>42</sup> *Argus*, Sept. 5, 1832.

<sup>43</sup> *Crittenden MSS.*, Vol. 4, Nos. 695, 696. Boyd McNairy to Crittenden, May 9, 1831.

to the American people as a candidate for that office, as, during the canvass which resulted in his favor, it was urged with great zeal, by most of his distinguished advocates, that it was dangerous for any individual to hold the office of president of these United States more than one term, and assurances given, of the general's own pledges, that he would only hold it on these terms." They believed that this debt of gratitude had now been paid, and that he had been amply rewarded. Hence, being "conscious that the best interests of our country call aloud upon us to oppose his re-election, we feel ourselves bound, as American citizens, to do so, and we do oppose it, with as much zeal and promptitude as we then vindicated his claims to that office."

The meeting was held and a series of resolutions was formulated and adopted. He was condemned for his "indiscreet and arbitrary exercise of his *veto*," and for expressing his unguarded resentment, "excited by the *freedom of debate*" in such a way as to "furnish encouragement to his violent partisans to attempt its restraint by the pistol and the club." His "preposterous and monstrous claim" that he had the right to construe the constitution as he pleased without the restraint or aid of the judiciary "betrays a disposition to obliterate the fair features of our constitution, and threatens us with the wildest anarchy, or a dark and dreary despotism." It was also held, "That in his reiteration and pertinacious endeavors to crush the United States bank, to abolish the tariff, and to check the spirit and spread of internal improvement, the president has waged an unrelenting hostility against the first, best interests of the country." Other acts of the administration were condemned and it was resolved "That with all the zeal, energy and effort of which we are capable, we will by all honorable means oppose the re-election of Andrew Jackson to the presidency of these United States, and do earnestly invite those of our fellow citizens, who like ourselves have been deceived, but still lend a reluctant support to the administration, to renounce the pride of a *false consistency*, and, confronting the difficulties of the crisis now before us, to co-operate heart and hand in this work of true and most necessary reform." They declared that "Our distinguished fellow citizen HENRY CLAY, who had ever been the undeviating friend of the union, its liberties and its rights, and who has contributed by his talents and honest zeal to exalt our beloved country to her present rank and prosperity, is entitled to our confidence and will receive our support at the next election for president of the United States."<sup>44</sup>

Other meetings were held in Louisville and elsewhere both of former Jackson supporters as well as enemies, and resolutions passed condemning him. A meeting in Louisville was called especially to show displeasure over his bank veto and those who had formerly opposed him declared they were now confirmed in that opposition and those who had formerly supported him vowed to seek penance for their former sins by voting for Clay.<sup>45</sup> Forty-seven former Jackson supporters in Fayette County called a meeting "large and highly respectable" in Lexington where it was resolved that they had found in Jackson "many causes of disappointment; that the principles that induced our support, are deserted; the pledges on which we confidently relied are unredeemed; our hopes of promoting the welfare of our country, by his election, are unfulfilled, and that his longer continuance in office, would be dangerous to the best interests of our country." Therefore, it should be the duty of all patriots to work unrelentingly for the defeat of Jackson.<sup>46</sup> The Clay party called a statewide convention for speechmaking and for arousing enthusiasm immediately after the August election! The hardest fight was now on, and

<sup>44</sup> *Niles' Register*, Vol. 42, pp. 407, 408.

<sup>45</sup> *Ibid.*, 408.

<sup>46</sup> *Ibid.*, 426.

according to the press "A high state of political excitement prevails in this state. The electoral election will be furiously contested, we fear, in too many cases."<sup>47</sup>

Although the fear of very serious defections from their party was much allayed by the August elections, the Jackson supporters did not relent in their fight. They knew that it was now Jackson against Clay, and they were not forgetful of the peculiar attachment the Kentuckians had for the latter. Well might they fear the results, even though they had carried the state for Breathitt. They also saw the former Jackson supporters deserting and making a very loud noise as they did so. Unquestionably the President's stand on internal improvements was hardest to explain to the people and calculated to lose him the most votes. The bank veto had also been unpopular but with a much smaller number of people. The tariff was little in the contest, as Jackson's record here was less open to attack, for he had just signed the protective tariff of 1832, drawn by Adams along lines indicated by Clay. In early September a state-wide meeting of Jackson supporters was held at Harrodsburg, where much enthusiasm was manifested, and a long address to the people issued, calling on them once more not to forget the base alliance between Clay and Adams and to remember that Jackson was the real friend of the people, and a man out of the West.<sup>48</sup> A few weeks later, Jackson, himself, found it convenient to pass through the state. A great ovation was given him at Lexington, where people gathered from fifty miles around to see and hear the President.<sup>49</sup>

Despite their hard fight the Jackson party went down in defeat in Kentucky. Clay won his state by more than 7,000 majority, which was truly a personal tribute.<sup>50</sup> Under any circumstances Clay had proved himself invincible in his own state, but throughout the nation he failed to secure a majority. Jackson, thus, became president for a second time. Although party names had been used locally not as indicating a platform of principles, but rather the personality of men, hereafter the parties were referred to in state as well as national affairs as national republican for a short time and then whig, and democratic. Niles in 1829, had called attention to the lack of party names and deprecated its significance: "As we are pretty soon, it seems, to have another great political controversy, though the names of the persons on whom parties are to be rallied are not yet determined—and while we do not intend to take any part in the personal conflict more than heretofore, it is earnestly wished that some terms may be adopted descriptive of the PRINCIPLES of parties,—and *politics* not be suffered to exist as though the people were divided into petty clans of Campbells and McGregors, owing allegiance to their lords, and required to join issue in the quarrels, without an understanding of, or regard for, the merits of them. The events of the next session of congress may bring about a gratifying result, in this respect, and arrest the progress of what must be esteemed derogatory to the republican character, and unsafe in its practice."<sup>51</sup>

Jackson had scarcely been re-elected before he was confronted with one of the most serious problems with which any President up to his time had ever been forced to deal with. This was South Carolina's nullification ordinance. As heretofore noted, the South generally had looked with strong disapproval on internal improvements at national expense and on the protective tariff. South Carolina had assumed the leadership in this opposition as early as 1824. The tariff of 1828, the so-called "Tariff of abominations," all but used up the patience of the fiery Carolinians.

<sup>47</sup> *Niles' Register*, Vol. 43, pp. 134, 135.

<sup>48</sup> *Argus*, Sept. 19, 1832.

<sup>49</sup> *Argus*, Oct. 3, 1832.

<sup>50</sup> *Argus*, Nov. 21, 1832; Collins, *History of Kentucky*, I, 37.

<sup>51</sup> *Niles' Register*, Vol. 37, p. 68.

About this time Calhoun set forth his theory of nullification in what was known as "The South Carolina Exposition." The Virginia and Kentucky Resolutions were studied closely and levied upon for ideas and precedents, with the former being much more conspicuously used than the latter. Finally when the tariff of 1832 was passed, South Carolina lost all patience and on November 19, 1832, her Legislature called a convention to take the situation into consideration. This convention promptly passed the South Carolina Ordinance of Nullification, declaring that the tariff acts of 1828 and 1832 were without effect in the state. Jackson, contrary to the belief of many supporters as well as opponents, acted quickly and with vigor. He put the military forces of the nation on the alert, and proceeded to issue on December 10th a stern warning to those who would obstruct the execution of the laws of the Union. "The laws of the United States must be executed," he declared. "I have no discretionary power on the subject; my duty is emphatically pronounced in the constitution. Those who told you that you might peaceably prevent their execution, deceived you; they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion. But be not deceived by names. Disunion by armed force is treason."<sup>52</sup> The so-called "forcebill" giving the President the right to call out the army and navy to enforce the laws of Congress, was introduced in January and pushed through before the end of the session. In the meantime, Clay had been working on a compromise tariff which he succeeded in also getting through by the same time. This tariff of 1833, or Compromise Tariff as it is often termed, brought about a gradual reduction of the rates over a period of ten years, and was accepted by South Carolina as preferable to her nullification course.

In her mad plunge toward destruction, South Carolina was unable to induce a single other state to follow her. Kentucky's lack of sympathy for the South's views on the tariff had been expressed on numerous occasions before the nullification troubles, and she had come to be looked upon askance on this subject by that region, and especially by South Carolina. In 1828, Governor Metcalfe called upon the South to return to a becoming sense of patriotism to the Union, which all had fought to make and preserve. The opinions of some of these Southern leaders were at war with the fundamental principles of the Union. But notwithstanding the sacred duty of all to uphold these principles, "we have the mortification to see the firebrand of discord thrown among us by hands that ought to be the first to remove every obstacle to our peace and quietude. According to the views of these men, if the minority cannot rule, they are at liberty to dissolve the government. The promulgation of these principles forms but a part of the business of these empires.—Laying aside the courtesies of life, they strike at the sensibilities and honor of those who constitute the majority on the subject of a protective tariff, no matter to what side they may belong according to recent divisions of party. The motives of your sages and patriots are assailed; strong epithets of denunciation employed; and the advocates of the American system traduced. Kentuckians are reproached because of their long established and fixed opinion of public policy, as if it originated in time serving and unworthy motives. But while I consider it my duty to point to this disaffection, originating as it does, with men filling exalted stations, I am gratified in the belief, that we may reply with perfect safety upon the constituted authorities to carry into effect the laws of which they complain, and against which they would have their constituents to rebel. The great body of our southern brethren are too patriotic,

<sup>52</sup> Richardson, *Messages and Papers of the Presidents*, II, 640-656.

too well aware of their own interest, and too strongly attached to the republic, to countenance any treasonable designs."<sup>53</sup>

The Legislature in 1830, at the same time when it passed its set of resolutions favoring the tariff and internal improvements, also included a long report in reply to South Carolina, setting forth the principles on which the Union was founded and on which it must still exist, if at all. The federal powers included the right to pass protective tariffs and to aid internal improvements, and it was time that South Carolina take a new view on her duty to the Union and abandon the assertion, "That the measures to be pursued, consequent on the perseverance in this system [Tariff], are purely questions of expediency, and not of allegiance." Kentucky's argument grasped strongly the national view of the union of the states; she was here making a complete but tardy retraction of every principle she had so manfully brought forward, herself, in her Resolutions of 1798 and 1799. If one state had a right to resist a law because it judged it unconstitutional, then any other state had the same right, and what would immediately become of the Union? If such a law should be enforced, "There is civil war; if abandoned without being repealed, a virtual dissolution of the Union." If a law may be declared by a state unconstitutional and void because of its "enormous injustice," "Who is to be the judge of that enormity? Who is to prescribe the limits of enormity, which will authorize resistance, and that which falls short of conferring that right? History and the nature of man demonstrate, that when his prejudices are aroused and his passions inflamed, it is not difficult to persuade that mild and equitable laws are fraught with the most abominable injustice." No quibbling argument about the Union being a compact among the state should be dealt in; "there can be, there ought to be, but one rule, that is, that the majority must govern." Of course it was possible that a tyranny might rear itself which would have to be resisted with force, but surely South Carolina did not intend to assert, "that the system of measures denominated the Tariff of the American system, present a just cause of civil war but that without producing civil war, that State may lawfully resist the execution of the system within its jurisdiction." Of course, resistance to the Federal Government had been threatened before, and most prominently by the New Englanders during the War of 1812, but they were an "unprincipled faction; and the posture in which impartial history will present them to future times, ought ever to operate as an example to deter, rather than to be imitated."

These sentiments were so strikingly opposite to the ones so vigorously asserted in the old Kentucky Resolutions of 1798 and 1799, that the Legislature in an argument exceedingly weak, and much better left unsaid, sought to show that after all there was a difference between Kentucky's position then and South Carolina's position now, and that in fact the former had been consistent throughout her course. It said: "From the principles now advanced, there has been no deviation on the part of the General Assembly of Kentucky. At a former epoch, when certain acts passed by Congress, called the alien and sedition laws, which were believed to be unconstitutional by the General Assembly, it neither interposed or threatened the adoption of any measure to defeat or obstruct their operation within the jurisdiction of Kentucky. It expressed, and expressed in very strong language, its disapprobation of them and its firm conviction that they were unconstitutional and therefore void. There it stopped, and that is the limit which no state should pass, until it has formed the deliberate resolution of lighting up the torch of civil war. Every state, as well as every individual, has the incontestible right freely to form and to publish to the world, its opinion of any and of every act

<sup>53</sup> *Niles' Register*, Vol. 35, pp. 278, 279.

of the federal government. It may appeal to the reason of the people, enlighten their judgments, alarm their fears, and conciliate their support, to change federal rules, or federal measures. But neither a state nor an individual can rightfully resist, by force, the execution of a law passed by Congress." <sup>54</sup>

This reply to South Carolina was not merely the sentiments of the Legislature; it truly represented the great weight of public opinion throughout the state. The Legislature should not have marred an otherwise good exposition on government by refusing to admit an inconsistency. The state had grown in material wealth since 1798, and it had also grown in the knowledge and experience of government and in love and appreciation of the Union. Immediately after the Nullification Ordinance had been passed by South Carolina in November, 1832, a Union meeting made up almost equally of Clay and Jackson supporters was held in Louisville to discuss the crisis. With James Guthrie in the chair, a resolution was passed declaring that "we solemnly protest against the doctrine of nullification; believing that it will, if acted upon, as proposed by South Carolina, effect a severance of the Union." <sup>55</sup>

In due time after the Legislature had met, Governor Breathitt communicated to it copies of South Carolina's nullification ordinance and accompanying addresses. He boldly denounced the course of action announced by that state, and left no uncertainty as to Kentucky's position if that course were carried out. The contemplated activities of South Carolina were "so subversive of all good government, that I need not, I am sure, urge upon you the necessity of prompt action on your part." After dealing at length with the pretensions put forward by South Carolina he set forth the meaning of the Union to Kentucky and every other state, and gave no uncertain idea of the position Kentucky would take in the event of war. He said: "It is desirable, gentlemen, that our sister state should be informed, what is believed to be the fact, that, while Kentucky is ready to relieve her from all just ground of complaint, she will not permit this union, which protects us in the enjoyment of so many blessings, civil and religious, to be torn asunder for any cause. Her infant blood flowed freely to extend the settlements in the frontiers; and both the north and the south can bear witness that, although her position shielded her from invasion, her gallant sons, during the late contest with Great Britain, were forward to meet toil, privation, and all the horrors of savage, as well as civilized warfare, to maintain the dignity and assert the rights of our common country.

"She cannot consent that her treasure and her blood shall have been expended in vain—she cannot consent that her sister state shall give to our children waters of bitterness to drink.

"It is considered proper that the general government, and each of our sister states, should clearly understand the course, which a deep sense of duty will require Kentucky to take. I therefore recommend that your opinions be embodied in a series of resolutions; that you disapprove of the revolutionary doctrines contained in the ordinance communicated; that if all has been done that can be towards a reconciliation of this unpleasant, unnatural controversy, and if South Carolina shall resort to force, and resist the execution of the laws named, or make a violent attempt to sever herself from the union, that the people of this state will stand upon their duty and their allegiance, and will support the general government in the use of any legal and constitutional means necessary to prevent the accomplishment of so sad a catastrophe; and that a copy of these resolutions be sent to the governor of South Carolina, to the

<sup>54</sup> *Acts of Kentucky*, 1829, 287-300. Quoted in Ames, *State Documents on Federal Relations*, 158-161.

<sup>55</sup> *Argus*, Nov. 28, 1832.

president of the United States, the governors of each of the other states, and to each of our senators and representatives in congress." <sup>56</sup>

Shortly after this message, the Legislature acted with energy and patriotism. It went over again at great length its arguments for the Union and the powers of Congress to pass tariff laws. It then appealed with sonorous words to the patriotism of South Carolina: "We would remonstrate, we would adjure South Carolina, or those who guide her councils, by the blood and suffering of our common ancestors, not to mar their work; not to insult the memory of the dead; not to embitter the last hours of that small remnant of the revolution, who yet linger upon earth, by demonstrating that a republic, that vision of glory which led them on through toil and privation, was a delusion and a cheat. \* \* \* Should they succeed in goading enthusiasm to madness; should they succeed in infusing their own wild passions into the people of the South, and precipitate the United States into all the horrors and dangers of civil war, the glory which hallows the tomb of the patriot martyr will not be theirs; their past honors will turn to infamy, and they will set in storm and darkness, amidst the deep execrations of all mankind." <sup>57</sup>

The same attitude was popularly held throughout the state, and was expressed in numerous meetings condemning South Carolina and the doctrine of nullification, and praising Jackson for his firm stand for the Union. <sup>58</sup> There seemed to be little political significance in these meetings; the fundamental feelings of the Kentuckians had been touched and that deep love and attachment for the Union welled up to assert itself forgetful of petty party advantages. Nevertheless, the Jacksonian democrats felt that their position in Kentucky had been greatly strengthened by the firm stand the President had taken.

Throughout this whole period of tariff discussion and evaluation of the Union, Kentucky had from the position she had taken tended to draw away from the traditional doctrines of the South, and hence had suffered in the estimation of most of the southern states. Much of Kentucky's trade was with this region, and consequently most of her prosperity depended upon it. Every year thousands of head of livestock streamed across the Cumberland Ford and through the Cumberland Gap on their way to the markets of South Carolina and of other Southern states. During the fall of 1821, there passed through Cumberland Gap 26,824 hogs, 5,070 horses, and 410 cattle, valued at \$623,180. <sup>59</sup> During the next year, it was estimated, almost \$800,000 worth of live-stock passed over the Cumberland Ford, while in 1828, it was estimated that live stock valued at more than \$1,100,000 passed through the Gap. <sup>60</sup> The South needed these Kentucky products, but it resented that state's position in national politics, and threatened to sever all trade relations with this region that failed to sympathize with the South. <sup>61</sup> A boycott was urged, especially in South Carolina, where Clay was very unpopular. Upon hearing that he was sending 300 wagons laden with various Kentucky products to be disposed of in South Carolina, the Carolina traders resolved to purchase nothing from these wagons. As it happened, three Kentucky wagons, in no way connected with Clay, were unjustly suspected, and forced to sell out at a great sacrifice or return with their

<sup>56</sup> *Niles' Register*, Vol. 43, p. 352.

<sup>57</sup> *Acts of Kentucky*, 1832, pp. 309-316. These resolutions were passed Feb. 2, 1833.

<sup>58</sup> *Argus*, Feb. 27, et seq., 1833.

<sup>59</sup> *Niles' Register*, Vol. 21, p. 400.

<sup>60</sup> *Ibid.*, Vol. 23, p. 259; Vol. 35, p. 402; Vol. 38, p. 108. The numbers were estimated as follows: Horses, 3,412; mules, 3,228; hogs, 97,455; sheep, 2,141; stall-fed beef cattle, 1,525.

<sup>61</sup> See *Annual Report of the American Historical Association*, 1900, I, 390.

loads to Kentucky.<sup>62</sup> Public meetings were held in many place to pass resolutions against trading with the Kentuckians and to strengthen the boycott. In reference to some of these meetings and resolutions, Clay said in 1832: "They [South Carolinians] must have supposed us as stupid as the *sires* of one of the descriptions of the stock [referring to mules] of which that trade consisted if they imagined that their resolutions would affect our principles. Our drovers cracked their whips, blew their horns, and passed the Seleuda gap to other markets, where better humors existed, and equal or greater profits were made. I have heard of your successor in the other house, Mr. President, this anecdote: that he joined in the adoption of those resolutions; but when, about Christmas, he applied to one of his South Carolina neighbors to purchase the regular supply of pork for the ensuing year, he found that he had to pay two prices for it, and he declared if *that* were the patriotism on which the resolutions were based he would not conform to them."<sup>63</sup>

With the nullification troubles out of the way, Jackson immediately set to work to carry out the will of the people, as he considered it had been expressed in the last election, to destroy the United States Bank. The fight had been forced upon him; now he would carry it to a conclusion. Not only actuated by a natural hostility to the bank, but fearful that the bank might use its power immediately before its charter expired to call in its loans and produce a panic, Jackson decided to avert this possible evil by reducing the federal funds in the bank through depositing no more there and gradually drawing out the amount then present. Hereafter, he would deposit the federal funds with the leading state banks. He had considerable trouble in finding a secretary of the treasury who would carry out this program; but finally Roger B. Taney agreed, and on October 1, 1833, the process was begun.

The whigs in Kentucky, mindful of Clay's leadership, were bitterly opposed to this raid on the people's prosperity by destroying the only sound banking institutions in their state. With the aid of certain democrats, they pushed through the Legislature, resolutions of strong protest. The bank, they declared, could not be dispensed with "without a certain prospect of private and public distress," and it ought by all legitimate means to be re-chartered. Jackson's attempt to reduce the funds in the bank would operate "to the great oppression of its debtors and to the injury of every branch of trade and labor." The plan to deposit the nation's funds in state banks would greatly endanger the people's money; and the bank Jackson would set up, "would be a dangerous institution, calculated to enlarge the powers of the executive department, and put to hazard the best interests of the people of the United States."<sup>64</sup> The next year resolutions to the same effect were passed, and the executive tyranny was again deprecated.<sup>65</sup> As the funds of the bank were curtailed by the withdrawal of the federal money the branches were forced to call in their loans, which in turn produced distress among many indebted to the bank. The branch at Louisville was directed by the parent bank to call in more than \$200,000 worth of loans. Signs of distress were soon evident, with loans called in, prices falling, and unemployment increasing. A meeting was held in Louisville to memorialize Congress on the question of the bank. "In the opinion of the memorialists, the first remedy for this state of things is the restoration of the deposits. They therefore pray

<sup>62</sup> *Letters on the Conditions of Kentucky in 1825*, p. 72.

<sup>63</sup> Colton, *Life and Times of Henry Clay*, I, 110.

<sup>64</sup> *Niles' Register*, Vol. 43, p. 399.

<sup>65</sup> *Ibid.*, Vol. 45, p. 431. These resolutions were passed in the House only, by a vote of 53 to 41. The attempt was not made in the Senate as the result was feared. *Argus*, Feb. 5, 1834.



that the deposits be restored, and such measures taken in relation to a National Bank as shall be most likely to afford relief to the Country."<sup>66</sup>

As the destruction of the branches of the United States Bank loomed up, Kentucky was threatened with the complete deprivation of all banking facilities in the state. The democrats argued that it was a distinct advantage to be rid of these institutions as they were costing the people of the state over \$300,000 a year, and it were much better that a state bank be set up. The democrats desired such a bank, also, in order to receive federal deposits that were being handed around to the so-called "Jackson pet banks." Governor Breathitt advocated a state bank in his message in 1833, and a bill was introduced to incorporate one, but it failed to pass.<sup>67</sup> However, the Louisville Bank of Kentucky was chartered during this session. The question of the state bank became an issue in the August election for the Legislature, and the next Legislature elected was favorable to the idea. In February, 1834, the Bank of Kentucky was chartered to run thirty years, to be located in Louisville, and to have a capital of \$5,000,000, of which the state should buy \$2,000,000 worth of shares. Six branches were to be established, one each at Lexington, Frankfort, Maysville, Greensburg, Bowling Green, and Hopkinsville.<sup>68</sup> The following year the Legislature chartered the Northern Bank of Kentucky at Lexington, to have four branches, and to be capitalized at \$3,000,000, of which the state would take \$1,000,000.<sup>69</sup> The state had now entered onto another period of government banking, but it had learned much in its former experiences and it was not now going to make the same mistakes again. Conservatism and sound principles were hereafter to pre-eminently characterize Kentucky banking.

The whigs hoped to secure much political capital from Jackson's dealings with the bank. They in fact exaggerated the distress in the state for party purposes; and now began to pose as the only party that could bring prosperity. They preached hard times under democratic control in the state and nation, and declared that if the democrats won in the next gubernatorial election the farmers could count on getting \$2.00 a hundred for their hemp and laborers would draw 50 cents a day for their wages. As the democrats commented on it, "we were all told that our rivers, lakes, and canals were to be one extended scene of hideous desolation, and that the sun and moon were to be darkened."<sup>70</sup> The whigs stood out pre-eminently for internal improvements, and at federal expense where possible. They held their accustomed conventions prior to the different state elections, and sought to keep their party knit together in all the ways best known to them. They turned Fourth of July celebrations into whig festivities, and hoped, thereby, to monopolize the patriotic sentiment of the state. In their Fourth of July convention and celebration at Frankfort in 1834, they, however, failed to beguile the Lexington Light Infantry to "participate in the Whig festival" on account of its political nature.<sup>71</sup>

The democrats profited from the strong position Jackson had attained for his party throughout the nation. His handling of nullification in South Carolina stood well with Kentuckians generally, and his dealings with the bank had not produced the dire results predicted by the whigs. They, too, were in favor of internal improvements in the state, but the state should pay for them. However, they would not have powerful

<sup>66</sup> Ben Casseday, *The History of Louisville* (Louisville, 1852), 188, 189; *Argus*, Aug. 5, 1835.

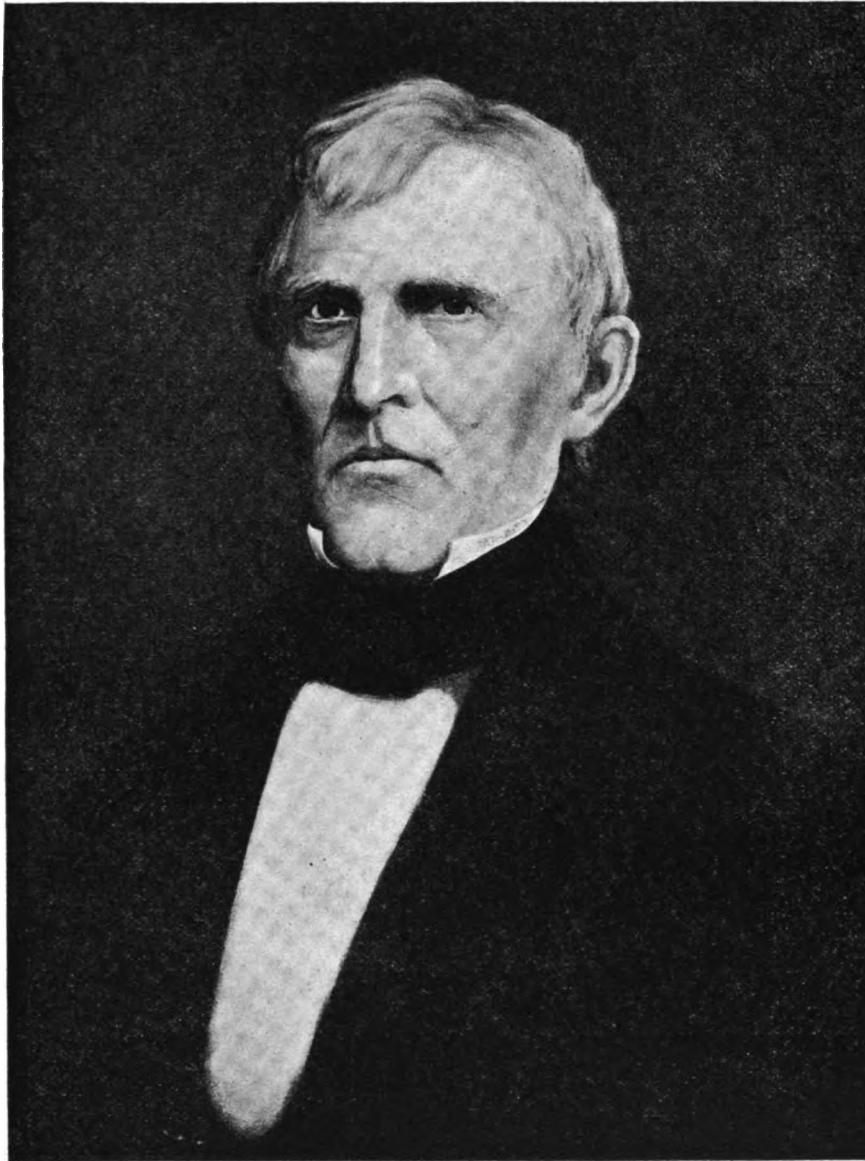
<sup>67</sup> *Argus*, Mar. 13, 1833.

<sup>68</sup> Basil W. Duke, *History of the Bank of Kentucky* (Louisville, 1895), 24-64; *American Almanac*, 1836, p. 245; *Argus*, Feb. 19, 1834; Collins, *History of Kentucky*, I, 39.

<sup>69</sup> *American Almanac*, 1836, p. 245.

<sup>70</sup> *Argus*, Aug. 5, 1835.

<sup>71</sup> *Argus*, July 2, 9, 1834.



JOHN JORDAN CRITTENDEN, 1787-1863  
(Courtesy of The Filson Club)

private companies incorporated with permission to exact from the people high tolls, as they charged the whigs with favoring.<sup>72</sup> They were a party of common people, who stood for the interests of the common people first, and gloried in the fact, and as they judged themselves, "a large majority of the intelligent *farmers* and *mechanics* of the *country*, belong to, and support the democratic side of the question." But according to the same authority the whigs are made up of the "would be nobility of *Frankfort*, comprising bank, railroad, and turnpike monopolists" and "they constitute the principal strength of the party. \* \* \*" <sup>73</sup>

Strong as they were nationally, the democrats found their strength hard to maintain in the state, though. The state elections steadily went against them. After the August election of 1834, the parties in the Legislature were estimated as twenty-one whigs and sixteen democrats in the Senate and seventy-four whigs and twenty-five democrats in the House. The following year John J. Crittenden was sent to the United States Senate by a vote of ninety-four to forty for James Guthrie, the democratic candidate.<sup>74</sup> The democrats had suffered a misfortune in the death of Governor Breathitt in the early part of 1834; for the lieutenant-governor Morehead, who now succeeded to the governorship, was a whig. A considerable amount of bitterness had arisen out of the resulting circumstances. The succession of Morehead to the governor's chair, left the Senate without a speaker, and James Guthrie had been elected by the democratic majority to fill the vacancy. But on the convening of the Senate in the next session, the whigs, who had captured this body in the preceding August election, declared that Guthrie had been elected only for the session of 1833, and that a new speaker should now be chosen. Having a majority, they proceeded to elect James Clarke, one of their own party, despite the protests by the democrats of irregularity. In the next campaign the democrats bitterly assailed the whigs for this usurpation and political proscription.<sup>75</sup> The gubernatorial campaign of 1836, was vigorously carried on by both parties, with James Clarke and Charles A. Wickliffe running for governor and lieutenant-governor respectively as whigs, and Mathew Flournoy and Elijah Hise, as democrats. The whigs were successful by majorities varying from 3,000 to 8,000.

The campaign for the presidency of 1836, was begun early in Kentucky, as was the custom; and much of the parryings for advantages in the state elections was designed to aid the cause in the National election. The whigs never allowed an opportunity to escape them to attack Jackson and the executive tyranny they charged him with building up. Provoked by Jackson's dealing with the United States Bank, George M. Bibb, called upon the Kentuckians to help destroy him: "Fellow citizens, arise in the majesty of your power; be watchful; your liberties are insidiously assailed. The Government established by our ancestors is about to be converted into an odious tyranny. The power and influence of the Government is about to be made greater than the rights and influence of the people. The passport to office is the indiscriminate support of every act of the president: brawling partisans are rewarded from the public treasury; freedom of opinion is threatened with dismissal from office; and office holders, senators and representatives are taught to expect promotion, according to their zealous support of the most questionable or the more odious acts of the administration. The executive influence is brought into contest with the freedom of elections, and with the freedom of inquiry in the halls of Congress. The expenditures of the Government are increasing to enlarge the patronage of the Government; and the

<sup>72</sup> *Ibid.*, July 27, 1836.

<sup>73</sup> *Argus*, Aug. 12, 1835.

<sup>74</sup> *Niles' Register*, Vol. 47, pp. 7, 356.

<sup>75</sup> *Argus*, Jan. 21, 1835.

patronage of the Government so increased as to be exerted to sustain the president and the receivers of salaries, jobs and contracts. The people are to be governed by their own servants and money, by fraud and deceit. I see no remedy but by the people in their primary assemblies and at the polls. They must cause their interests and sentiments to be respected; they must make known that the people are to be represented; that representatives are the trustees and agents of the people, and not the servants of the president."<sup>76</sup> As a method of striking at Jackson, efforts were made in the Legislature to have the Federal Constitution amended so as to prevent a President from serving but one term, of six years duration; to greatly restrict his power of veto; and to take away his right to dismiss from office any one for whose appointment the concurrence of the senate was necessary, unless the senate should agree.<sup>77</sup>

Kentucky was much interested in the question of the public lands, and the whigs found much to their disliking in Jackson's plan of dealing with it. This problem was closely bound up with Federal aid to internal improvements and the disposition of the surplus revenues. Jackson proposed to have Congress turn over the public lands in each state to that state, so that it might use the proceeds of their sale for internal improvements if it so desired. As Kentucky was a landless state it naturally objected, and Clay was quick to carry forward the opposition. He would have a certain percentage of the sales turned over to the state in which the land lay and the remainder kept in the national treasury for general use. The Kentucky Legislature declared that the public lands were not "of right, the property of the particular states in which they lie, nor that of the people of such states; and therefore, the Congress of the United States ought not to cede such lands to such states, or any of them; or to appropriate such lands for any purpose whatever, but in behalf, and for the benefit of the people of all the states;" and that when the public debt was paid off the moneys arising from the sale of such lands "ought to be distributed among the several states according to the federal numbers of each state." A long argument in defense of this position was set forth.<sup>78</sup> These views were reiterated in 1836.<sup>79</sup> The question of the surplus was finally settled by lending it to the states without interest indefinitely.<sup>80</sup>

As Jackson had served his two terms, another candidate would have to be produced by the democrats. But as the president's hold on his party was so complete, it was only a question as to whom he would have. The Kentucky democrats, therefore, did not concern themselves with this matter; but the vice-presidency was of early and considerable interest to them. Richard M. Johnson had long been prominent in Kentucky and a strong supporter of Jackson. The Kentucky democrats believed he should be nominated for this office; and they began to boom him two

<sup>76</sup> *Niles' Register*, Vol. 46, pp. 416, 417.

<sup>77</sup> This was an interesting forerunner of the famous Tenure of Office Act passed to curtail the power of President Johnson in the days of Reconstruction. The proposed amendment follows: "The president of the United States shall not remove any officer, in whose appointment the concurrence of the senate shall be necessary; but, for sufficient cause, he may suspend such officer from the exercise of the duties of his office; but he shall within the first ten days after the commencement of the next session of the senate, lay before that body the cause of such suspension. The cause of such suspension shall then be considered by the senate; and if it shall be deemed sufficient, the officer so suspended, shall be adjudged to be removed from his office; but if the senate shall consider the same insufficient, the suspension of the said officer shall immediately cease, and he be restored to all the rights and privileges of his office." *Niles' Register*, Vol. 45, p. 416.

<sup>78</sup> *Niles' Register*, Vol. 43, p. 399. Passed in the session of 1832, 1833.

<sup>79</sup> *American State Papers, Public Lands*, VIII, p. 657.

<sup>80</sup> The Panic of 1837 soon upset this plan; and the question of the lands was still brought up by Kentucky at intervals and discussed and resolved upon. See *Acts of Kentucky*, 1840, pp. 271-275.

years before the election. Numerous meetings were held widely over the state during the spring and summer of 1834, to stir up enthusiasm for him, and the democrats in the Legislature recommended him. On April 10, 1834, a state convention was held in Frankfort for the purpose of bringing him forward as Kentucky's candidate. An address was issued to the people praising his record, lauding Jackson, and bitterly assailing the United States Bank.<sup>81</sup> He possessed the valuable asset of a military record, and this was not forgotten. The Battle of the Thames was re-enacted in long and glowing addresses on its anniversaries in 1834, 1835, and 1836; and thousands were reminded in these political celebrations of the valor and generalship of Col. Richard M. Johnson: and the old dispute as to whether he killed Tecumseh was as bitterly and prominently discussed as the Bank, the public lands, or the surplus.<sup>82</sup>

The democratic national convention was held in Baltimore on May 20, 1835, and Martin Van Buren, "Jackson's man," was announced for the Presidency, while Kentucky was delighted to see Johnson receive the nomination for the Vice-Presidency. Although Jackson was not a candidate for any office whatsoever, still the old political game of voting to fire a salute on January 8, was played again with the democrats losers. Deprived of the privilege of having the state fire the salute in its own name and at its own expense, the Jackson democrats fired it in their own right and name and payed for it themselves.<sup>83</sup>

The Kentucky whigs had a rather dismal outlook in the presidential campaign. Their own favorite son and inspiration was not a candidate at this time; and in the absence of his commanding personality, a number of candidates sprang up over the country, representing, each one, his own section. William Henry Harrison, of Tippecanoe fame, came out in the Northwest; Daniel Webster in the Northeast; Senator White in the Southwest, and Judge John McLean in Ohio. The best the whigs could hope for was for the election to be thrown into the House of Representatives. Kentucky was unable to rouse much enthusiasm for Old Tippecanoe, and the whigs feared they might not give him a majority. A Kentucky whig wrote Crittenden in 1834, "As things stand at present I know it will be a difficult task & require much effort to carry the State for the Nominee."<sup>84</sup> Nevertheless the state seemed to be so completely under the spell of Clay that all signs pointed to a whig victory. In a special election in 1834, called to settle the congressional contest between Thomas P. Moore and Robert P. Letcher, the latter candidate, a whig, nosed out a victory; and in the general congressional election of the following year, nine whigs were elected to four democrats.<sup>85</sup> The whigs, nevertheless, did not slacken their efforts as the election approached. The democrats accused them of searching the militia rolls for the names of those whose cases needed special and personal attention and of having in secret: "*Resolved*, That they procure horses, carriages or other conveyances for the sick, lame, blind, and all others who have no conveyance of their own, to enable them to get to the polls."<sup>86</sup> The gubernatorial election in August indicated a whig victory, and so it was. Harrison defeated Van Buren by a majority of 3,520, with the total vote cast by the state almost 10,000 short of the preceding Presidential election, when Clay and Jackson were running.<sup>87</sup> But the whigs were surprised and

<sup>81</sup> *Argus*, March 5, 1834.

<sup>82</sup> For example, see *Argus*, Oct. 15, 1834.

<sup>83</sup> *Argus*, Jan. 8, 1834.

<sup>84</sup> *Crittenden MSS.*, Vol. 6, Nos. 1164, 1165.

<sup>85</sup> *Niles' Register*, Vol. 45, pp. 20, 41, 290, 365; Vol. 46, pp. 177, 193, 194, 207, 208, 220, 246-248, 263, 264, 412; Vol. 49, p. 4.

<sup>86</sup> *Argus*, Oct. 19, 1836.

<sup>87</sup> *Argus*, November, *passim*, 1836.

disappointed to learn that Van Buren had received 170 electoral votes to 124 for all his opponents, and had therefore been elected.

Jackson had scarcely retired to the "Hermitage" and Van Buren taken up the reigns of government when the most severe panic the country had ever known burst upon the people. Prices rapidly declined, factories shut down, and banks called in their loans and closed their doors. The fundamental causes were largely the same as for all panics—over-production and states and individuals engaging in projects far beyond their resources. But Jackson's specie circular, issued in the summer of 1836, declaring that public lands must be paid for in gold or silver, his dealing with the United States Bank, and other acts of the democrats were held responsible for the hard times. Kentucky was now engaged in an ambitious project of internal improvements, and her citizens were embarking in speculative enterprises. The revival of banks here had served to multiply the circulating medium, and everyone seemed to have forgotten hard times. The blow fell swift and hard. The banks suspended specie payment, and when the Legislature met in 1837, it refused to compel them to resume.<sup>88</sup> An outcry for a special session had arisen during the summer, but Governor Clarke had steadily refused to call it, but now in the regular session he counseled the banks and all creditors to be lenient with the debtors, and the charters of the banks should not be forfeited for their suspension of specie payment.<sup>89</sup> Great consideration and forbearance was exercised everywhere. Many of the towns issued small paper currency to relieve the scarcity of money. Maysville issued script in the denominations of 6¼, 12½, 25, 50 and 100 cents, while Lexington issued a considerable amount which, however, the butchers refused to accept. The Danville, Lancaster and Nicholasville Turnpike Road issued about \$20,000 in notes, which steadily fell in value.<sup>90</sup> The brunt of the panic in 1837 was broken and the people felt as though the worst was past. Governor Clarke, in his message to the Legislature in 1838, said: "By the prudent course on the part of the banks; by the energy of the people and the abundant products of the soil, the severity of the shock has been but little felt, the price of the property sustained, and the commercial interest of the State protected."<sup>91</sup> But this was only a temporary lull, for in 1839 conditions became aggravated again. The banks, which had resumed specie payment, were now forced to suspend again, and it became evident that payment of the mass of debts held in abeyance could not be avoided much longer. State finances were in a bad condition, with no market for her bonds in the East. The governor as a last remedy begged 200 patriotic and public spirited Kentuckians to each buy one \$1,000 state bond and thus raise \$200,000, urgently needed to complete internal improvements then under way.<sup>92</sup> The real force of the panic was to come later.

In certain parts of the state there arose about this time the old anti-bank sentiment, which held that all banks were monopolies, designed for the benefit of the few. This feeling may have played a slight part in the defeat of a very unusual banking scheme presented to the Legislature about this time. This was what was known as the "South Western Rail Road Bank," and was to be an adjunct to a railroad projected from Charleston, South Carolina, to Cincinnati.<sup>93</sup> The plan was to have the

<sup>88</sup> The Northern Bank of Kentucky was relieved by this law of forty-nine suits that had been commenced against it for its refusal to pay specie. *Kentucky Gazette*, Feb. 8, 1838.

<sup>89</sup> *Kentucky Gazette*, Dec. 7, 1837.

<sup>90</sup> *Ibid.*, April 12, 1838; Collins, *History of Kentucky*, I, 42.

<sup>91</sup> *Ibid.*, Dec. 6, 1838.

<sup>92</sup> *Kentucky Gazette*, Oct. 10, Dec. 5, 1839.

<sup>93</sup> This railroad will be discussed later.

mother bank in Charleston and branches in North Carolina, Tennessee and Kentucky, and the purpose was to produce a uniform circulating medium, which would be needed in the regions traversed by this railroad. It was to be allowed to issue notes to an amount not over twice the capital. Kentucky was offered a bonus of 50 cents or more on the \$100 capital.<sup>94</sup> This project was first presented in 1837, and two years later the most determined fight was made to push it through the Legislature. Col. C. G. Memminger, a special commissioner from South Carolina, spoke to both houses. The debate on this question was one of the most remarkable in the history of the state. Hostile interests in Louisville, a general dislike of South Carolina since the times of nullification, the entry of a foreign bank and a railroad into the state at the same time and inextricably connected, and certain rivalries among certain cities over the railroad itself—all conspired to finally defeat the measure. Three bold efforts were made to push it through the House, but it was defeated by a vote of 49 to 48 the last time; however, in the Senate it was passed, 19 to 18.<sup>95</sup>

The stigma of having produced a panic was immediately fastened on the democrats, and it was a load they were unable to shake off. The distempers of the times were working mightily for the whigs. What more argument could be desired than to merely point to the desolating results of democratic rule, which not only all saw but also grievously felt? In Kentucky the whigs had cause to rejoice early, for, in the congressional election of August, 1837, when the panic was being more sorely felt, the people rose up and defeated every democrat except one. They also sent a large majority of whigs to the House and Senate at Frankfort. It now became a more or less settled fact that the state elections should result in whig victories, and at times they ceased to attract much attention. The August campaign and election in 1838 was very listless. The gubernatorial campaign in 1840 brought about a recurrence of action and enthusiasm, and it was rather vigorously fought out. In the national campaign the democrats were on the defensive, but in the state contest they attempted to force the fight on the whigs. Just as the democrats could not escape the charges of having ruined many people by a panic throughout the nation, so the whigs, who were now in control in the state, could not wholly dismiss the accusations that they had aided hard times in the state by their unwise measures. This constituted the chief strategy of the democrats. Divorce state campaigns and measures from the nation, and they would be able to attack the whigs with better chances of success. "We see no good reason," declared the *Kentucky Gazette*, "why the division of parties in national politics, should control our State elections. \* \* \* It is anti-republican and inconsistent with our complex and confederated governments, State and National, to consolidate and amalgamate State legislation with National legislation, and to declare the entire subservency and subordination of the State governments, in all matters, to the General government."<sup>96</sup> John B. Helm, democratic candidate for lieutenant-governor, asked: "If we continue to regard State measures and policy as unworthy, must not the State Governments soon sink into insignificance?"<sup>97</sup> The whigs were charged with having run the state badly into debt with their grandiloquent schemes of vast internal improvements, which were now held up because the state treasury was empty. Helm, who took a very active part in the campaign, exclaimed: "May we not hope that Kentucky will stop short in her hazardous march under the credit system and return to her orig-

<sup>94</sup> *Kentucky Gazette*, May 23, 1837.

<sup>95</sup> Collins, *History of Kentucky*, I, 43; *Kentucky Gazette*, Jan. 17, 1839.

<sup>96</sup> *Kentucky Gazette*, July 16, 1840.

<sup>97</sup> Aug. 1, 1839.

inal principles of republican simplicity? Absorbing joint stock companies surrounded with privileges denied to the people at large, and splendid and gigantic undertakings to benefit favored districts, are better suited to monarchies than republics." <sup>98</sup> He begged the people to turn out the whigs for their inefficient leadership, so eloquently proclaimed by the hard times all over the state.

In the national outlook, the whigs had no reason to complain. All signs pointed to a whig victory in the Presidential election of 1840. Clay had high hopes of receiving the nomination, and the Kentucky whigs were not less anxious. But in the Harrisburg Convention, held in December, 1839, he was grievously disappointed, for Harrison, with the wily Thurlow Weed as his party manager, was nominated after a short contest. This was Clay's great opportunity, and he had missed it. The whig party owed more to him than to any of its other leaders, and now, when it bid fair to elect a President, it robbed its **maker and benefactor** of that honor. Well might Clay have felt keen disappointment at this ingratitude. But Clay was a Mason, he had spoken against the fanaticism of the abolitionists, and he had already been defeated twice for the Presidency—these things had their weight. It was a foregone conclusion that Van Buren would be renominated by the democrats, and so he was, in the Democratic Convention in Baltimore on May 4, 1840. Although the Kentucky whigs felt aggrieved that their favorite son had not received the nomination, they did not "sulk in their tents." They had begun early to push the fight, with hard times as the chief weapon. Governor Clarke had declared in 1837 that the democratic panic had been produced by the destruction of the United States Bank and that the best remedy was to embrace the whig doctrine and recharter a national bank.<sup>99</sup> Shortly afterwards the whigs pushed through the Legislature a set of resolutions declaring that Jackson and Van Buren had produced the financial ruin that was staring the people in the face and that the specie circular and the removal of the deposits were conspicuous items in the list of democratic crimes.<sup>100</sup> One of the most enthusiastic national campaigns in the history of the country was soon inaugurated, which was not devoid of excitement in Kentucky. Hard cider, log cabins and coon-skins were in evidence at the whig meetings, and "Tippecanoe and Tyler, Too," were sung with enthusiasm. "Tippecanoe Clubs" sprang up all over the state, where young voters were instructed in their first duty to their country. Crittenden stumped the state for Harrison, rousing the people from the mountains to the Jackson Purchase.<sup>101</sup> The cause of the democrats seemed hopeless, yet they carried on the fight as best they could. "Democratic Associations" were set up to combat the "Tippecanoe Clubs" and efforts were made to show that Harrison was an abolitionist and that the whig party in the North was an abolition throng—a charge that later became a fact and forever destroyed the whig party.<sup>102</sup> Confident that they would win, the whigs did not deny the democrats the joy of firing their pet salute on January 8 (1840), with the provision that the cannon captured at the battle of the Thames should be used and that the good whig governor alone do the firing.<sup>103</sup>

The gubernatorial election in August spelled the doom of the democrats in November. Robert P. Letcher, the whig, beat Richard French, the democrat, by an overwhelming majority in by far the largest vote Kentucky had ever polled up to this time. His majority was over 15,000,

<sup>98</sup> *Ibid.*

<sup>99</sup> *Kentucky Gazette*, Dec. 7, 1837.

<sup>100</sup> *Acts of Kentucky*, 1837, pp. 353-355. Passed January 27, 1838.

<sup>101</sup> *Crittenden MSS.*, Vol. 7, No. 1224, etc.

<sup>102</sup> *Kentucky Gazette*, July 30, *passim*, 1840.

<sup>103</sup> *Acts of Kentucky*, 1839, p. 295.



and the total vote of the state was more than 25,000 larger than in the election of 1836. The democrats admitted their severe reverse. Whig excitement now ran high, with meetings being held attended by as high as 12,000 people. It was only a question of the size of Harrison's majority, and in November it came over 25,000 votes strong, which proved to be the largest majority given him by any state in the Union.<sup>104</sup> Harrison's vote was almost as decisive throughout the rest of the country. He received 234 electoral votes to Van Buren's 60. Shortly after the election he visited Kentucky, passing through Louisville, Shelbyville, Frankfort and Lexington, and was given an enthusiastic welcome.<sup>105</sup>

The rejoicing of the whigs on the inauguration of Harrison had scarcely died down when the old military hero, who had withstood the hardships of many campaigns and battles, succumbed before the tireless importunities of the infesting office-seekers. Vice President Tyler now succeeded to the Presidency, and very soon the whigs saw their victory seriously discounted, if not entirely destroyed. Clay, who had quarreled with Harrison within ten days after his inauguration, soon found himself in utter disagreement with Tyler, who refused to follow the whig program of rechartering the bank and reestablishing the American system. These measures were urgently advocated as whig remedies for the lingering hard times, and the refusal of Tyler to support them was viewed as rank treason. The Kentucky whigs, receiving their direction from Clay, pressed the whig program as outlined by their leader. The Legislature passed resolutions favoring the recharter of the bank, and as a thrust at Tyler they called again on the country to amend the Constitution to prevent a President two consecutive terms.<sup>106</sup> The old Tippecanoe Clubs were still continued as valuable assets to the party organization and as especially effective in combatting Tyler.<sup>107</sup>

The occupancy of the Presidency by a so-called whig could not bring prosperity if he refused to apply whig remedies. But, regardless of national conditions and policies, Kentucky was from local causes soon plunged into a state of depression unknown since the days of relief twenty years before. The tempest that had been stayed by rather heroic measures in 1837, now, four years later, burst with full force upon the state. Court dockets were soon groaning under loads of lawsuits, and the distressed debtors were being sold out of their life-time accumulations at frightful sacrifices. Governor Letcher, in his message to the Legislature in December, 1841, called attention to the deranged condition of the currency and deplored the lack of the stabilizing influence of the United States Bank. Trade was greatly handicapped by the absence of a standard medium of exchange, and the banks again stopped specie payment.<sup>108</sup> A little later Henry Clay described conditions to Crittenden thus: "There is very great embarrassment and distress prevailing in K., much more than I imagined before I came home. Every description of property, without exception, is greatly depressed, and still declining in value. And, what aggravates the distress, no one can see when or how it is to terminate. Most of our Hempen manufacturers are ruined, or menaced with ruin. Bagging and Rope were never known at any time heretofore to be so low as they now are." He added that imports from

<sup>104</sup> Richard M. Johnson, the popular Kentucky candidate for the vice-presidency, made little impression on the Whigs.

<sup>105</sup> Henry A. and Kate Ford, *History of the Ohio Falls Cities and Their Counties* (Cleveland, 1882), I, 288; Collins, *History of Kentucky*, I, 45.

<sup>106</sup> *Acts of Kentucky*, 1840, pp. 271-275; *Ibid*, 1841, pp. 301, 302. The Kentucky Whigs were wedded to the idea of a strong central national bank. After the charter of the United States had run out in 1836, it continued to do business under a charter from the state of Pennsylvania. A movement grew up in Kentucky to admit its branches to do business in the state. *Argus*, March 23, 1836.

<sup>107</sup> See *Frankfort Commonwealth*, Sept. 28, 1841.

<sup>108</sup> *Frankfort Commonwealth*, Jan. 4, 1842.

India were responsible in part and that a protective tariff should be passed.<sup>109</sup>

Although the people were hard-pressed, they seemed to be willing to wait for the Legislature to act before calling for extreme relief measures. The great mass of opinion in early 1842 was against unsound methods—such as were still remembered by many. The *Frankfort Commonwealth* took pride in the state's financial integrity and believed that it would not be endangered: "Kentucky is now ranked among the most solvent states in the Union, and there is no danger that she will forfeit the distinction. She holds to the doctrine of the binding force of contracts, whether the same be individual, state or national, and she will keep her faith inviolate."<sup>110</sup> The amazingly sound state of public opinion was reflected in the following resolution unanimously passed in both houses of the Legislature in January, 1842: "[Resolved, That repudiation] is abhorrent, both to the government and the people of this Commonwealth, and can never, directly or indirectly, receive the countenance of either; that such conduct would be unworthy the enlightened age in which we live, shocking to the sense of Christendom, a lasting reproach to republican government, and a stain on the American name."<sup>111</sup> The state had apparently grown ages in experience during the past twenty years. The Legislature set to work to alleviate the sufferings of the people as far as possible within sound principles. It passed a law, much akin to a homestead law, adding to the list of articles that might not be levied on the following: A saddle and bridle, six chairs, a bedstead with bed and bedding, all turkeys, geese, chickens and ducks raised on the place, one cow and calf, five sheep, and six months' wood and fuel.<sup>112</sup>

But this and other legislation fell far short of the needed relief. In desperation the people began to raise the old cry of relief and for an extra session of the Legislature to grant it, forgetful of its awful consequences in the past. Governor Letcher wrote Crittenden in May, 1842: "The times are *hard* in this country—very hard—indeed more so than you will imagine. *The cry* for relief is awful, I can tell you. The press upon me to call the Legislature together has in some degree subsided, but still it breaks out every now and then in a fresh place. My private and confidential opinion is that the next Legislature will have a majority of relief membership. \* \* \* I believe the Meeting, requesting a call for the Legislature, has had the worst possible effect upon the country. The idea of an extra Session has operated as a notice to the creditors to hasten their debtors, and this work of destruction is now in rapid progress, and the Lord only knows where it will stop."<sup>113</sup> As the August election for the Legislature approached, numerous meetings were held over the state calling for the old relief system of replevin laws and a state bank like the old Commonwealth bank. Among the counties holding such meetings were Henry, Oldham, Trimble and Lincoln.<sup>114</sup> Relief now became the chief issue in the campaign. The leadership in both parties refused to father the movement, with the result, however, that each accused the other of doing so. In fact, the movement had little or no political significance, for people about to be sold out of their homes were likely to give very slight attention to the theoretical principles of parties or party shibboleths.<sup>115</sup>

<sup>109</sup> Crittenden MSS., Vol. 8, Nos. 1481, 1482.

<sup>110</sup> Quoted in *Niles' Register*, Vol. 61, p. 320.

<sup>111</sup> *Frankfort Commonwealth*, Jan. 4, 1842.

<sup>112</sup> Act of March 3, 1842. See McMaster, *History of the People of the United States*, VII, 47.

<sup>113</sup> Crittenden MSS., Vol. 8, Nos. 1467, 1468.

<sup>114</sup> *Frankfort Commonwealth*, April 12, 1842.

<sup>115</sup> The responsible leaders of the Democratic party set themselves sternly against the movement; but the Whigs, nevertheless, claimed it was a Democratic scheme to ride into power on. *Frankfort Commonwealth*, Aug. 16, 1842.

The Legislature elected in August (1842), had a rather large sprinkling of relief men, but not sufficiently able or effectively led as to endanger the good name of the state. A number of alleviating laws and amendments were passed which hushed the cry until conditions themselves began to evolve their own cure. The banks conducted themselves on a very high plane throughout the whole period of these troublous times, accommodating their creditors to the utmost and at the same time refusing to take advantage of unsound methods. The banks resumed specie payment in June (1842). Their credit was never endangered, and the amount of their note issues was kept well within the bounds of sound finance. Their note circulation at this time was about \$4,500,000, with more than \$1,500,000 held in specie for its redemption. This meant that about \$2.85 was outstanding against every specie dollar held, as compared to the average in the New England states of \$5.13.<sup>116</sup> The most conspicuous example of the soundness of the banks and of the state government was the case of the Schuylkill Bank Fraud. This bank, located in Philadelphia, was the financial agent of the Bank of Kentucky in the East. During 1838-1839 this bank issued fraudulent stocks of the Bank of Kentucky to the amount of 1,300 at \$1,000 each and sold them to unsuspecting buyers, pocketing the money. Suit was brought in the Pennsylvania courts which went finally up to the Pennsylvania Supreme Court, where a verdict of \$1,343,000 was handed down for Kentucky. But, as the assets of the Schuylkill Bank amounted to only \$430,000, Kentucky was forced to lose the difference, besides the heavy costs involved in pressing the suit and temporarily the high standing of the Bank of Kentucky stocks. However, the state refused to repudiate payment on these fraudulent stocks and thereby won a still higher position in the financial world, calling forth this praise from the *New York Tribune*: "While Mississippi, Michigan and Illinois repudiate their just debts, Kentucky has assumed to pay *thirteen hundred thousand dollars*, for which she never received in value one dollar."<sup>117</sup>

Kentucky felt proud of her record, especially so when she saw Michigan, Mississippi, Florida and Illinois repudiating debts incurred through primitive banking methods. Governor Letcher set forth the ideal which his state had nearly reached and from which he hoped it would never depart: "Let her be so upright in all her actions, and so discreet in the management of her public affairs, that the humblest citizen she may have, when he crosses the border of the state, shall feel proud to acknowledge himself a Kentuckian. May the day never come when he shall be ashamed to own his country!"<sup>118</sup>

<sup>116</sup> *Niles' Register*, Vol. 61, p. 400.

<sup>117</sup> Duke, *History of the Bank of Kentucky*, 64-91; *Frankfort Commonwealth*, May 17, 1842.

<sup>118</sup> In message to Legislature, December 31, 1842. *Niles' Register*, Vol. 63, p. 376.

## CHAPTER LIV

### THE ERA OF INTERNAL IMPROVEMENTS AND THE BEGINNING OF RAILROADS

Rivers, canals and turnpikes were early recognized as the industrial life lines of the state. Without these developments true and permanent prosperity was impossible. What were markets worth if they were inaccessible, and what was all the agricultural and industrial wealth to avail if its transportation to markets was impossible? Bad roads were little better than no roads, and the waters of the streams might run on forever, valueless to commerce, if snags and shallows impeded their progress. Kentucky must not only have roads and waterways, but she must have them good and cheap. It was not so early as pioneer days that some people walked from Maysville to Lexington rather than pay the exorbitant prices the horsemen and stages exacted to carry them over the dangerously rough road, and as late as 1825 the cost of wagoning freight over the same route was said to be equal to the expense of bringing it from Philadelphia to Maysville.<sup>1</sup> The high cost of transportation was a constant complaint. A Lexingtonian bemoaned the utterly bad condition of the disfiguring streaks called roads across the otherwise beautiful landscape. Wagons could venture out upon them only with a half load, and hauling bulky articles to Louisville or to Maysville cost more than they could be sold for there. He said: "The ruinous price of provisions and wood in every town in the state is enough to open the eyes of any community." The remedy, he believed, lay in state aid.<sup>2</sup>

A people vigorous and awake to the opportunities for the development of their state could not long neglect so important a concern as transportation. The network of streams should be made useful, and more interest would have to be taken in them and more effort expended upon them than the few acts heretofore passed for "working" them. This wealth of rivers, together with the topography of the state, made canals of less concern—always barring the absorbingly important scheme to render navigation possible around the falls in the Ohio at Louisville. The system of turnpikes, which was just beginning to appear by the time of the War of 1812, must be vigorously pushed forward. This program soon became the theme of every governor's message to the Legislature from Slaughter down until the era of internal improvements was ushered in. In 1817 the *Enterprise*, the first steamboat ever to ascend the Mississippi and Ohio rivers from New Orleans to Louisville, arrived in twenty-five days after setting out and thereby completely revolutionized transportation in the West—a consummation of what Nicholas Roosevelt had begun when he launched, at Pittsburg in 1811, the *New Orleans*, the first of the mighty fleet of Western steamers. Governor Isaac Shelby had, in his final message to the Legislature in 1815, suggested the great possibilities that lay in store for the West in this new process of transportation. He predicted a cheaper and more direct commerce for the state and suggested the idea of lending state aid. He said: "The experiments which have been made by the steamboats on the western waters give

<sup>1</sup> *Letters on the Conditions of Kentucky in 1825*, E. G. Swem, ed., 68, 69.

<sup>2</sup> *Kentucky Gazette*, April 10, 1825.

strong assurance of ultimate success. There has, however, not been a sufficient number of them in operation to enable me to speak with entire confidence. It is believed by many that a sufficient capital has not yet been employed in that line to give the experiment a fair trial. I submit to the information which the General Assembly will possess in its collective capacity the determination of the question and whether it should be left to individual enterprise to ascertain its utility, or whether the state should lend its aid in the undertaking."<sup>3</sup>

Governor Slaughter in 1817, believing that the steamboats would likely give "a new spring to the agriculture and commerce of the Western country," though that "great advantage would be derived from the use of them on our smaller streams, if some practicable plan could be adopted to remove obstructions and improve them." Whether the state should do it, or private companies carry forward the work, he was not prepared to say, but "When it is considered that most of our fertile lands are distant from the Ohio, and that we are dependent on our small rivers for the transportation of the greater part of our surplus productions to market, the improvement of their navigation seems to demand the serious consideration and attention of the Legislature." The condition of the public roads also needed attention, and the present disorganized methods of keeping them in repair ought to be changed.<sup>4</sup> Recurring to the question again the following year, he recommended "placing signboards or stones on the different roads at the crossing of the county line to designate it." This would not only benefit travelers but would be of help to the militia companies in the various counties.<sup>5</sup>

In response to the governor's recommendations a movement was soon on foot in the Legislature to establish a definite system of aid to internal improvements. A bill appropriating annually \$40,000 for the purpose of improving Green, Salt, and Licking rivers was pushed through the Senate in 1817, but it failed to become a law.<sup>6</sup> Hard times were already beginning to be felt by the people, and they considered it unwise to embark on costly projects under such conditions. It was during this time that Henry Clay developed popularly his "American System," which called for national aid to internal improvements.

Governor Desha in 1825 urged "the speedy commencement of a general system of internal improvements." Believing that Louisville, on account of the assured construction of a canal around the falls of the Ohio there, must become the great center of commerce in the state, he was prepared to make some definite proposals. He would have two great turnpike roads constructed from this point out into the state, the one to pass through Frankfort and on to Maysville, and the other to pass southward across the middle section through the Green River country and on toward Nashville, Tennessee. That state, he believed, might be counted on to continue the road from the state line. At the same time these two great highways were being built, feeder roads diverging into the other parts of the state might be started.<sup>7</sup> He was strongly in favor of this road system and, since nothing had resulted from his first suggestion, he recurred to the subject the next year. To avoid the opposition and hostility of towns that might be left out, he let it be known that he was not wedded to any particular route, just so the main purpose was served. The road might pass through Frankfort, Lexington, and Paris; or, if it should be desired to make it as direct as possible, it might be changed to end in any good landing place on the upper Ohio, as, for instance, Augusta, and be run through Frankfort, Georgetown, and Cyn-

<sup>3</sup> *Niles' Register*, Vol. 9, p. 319; Collins, *History of Kentucky*, I, 518.

<sup>4</sup> *Niles' Register*, Vol. 13, p. 388.

<sup>5</sup> *Louisville Public Advertiser*, Dec. 15, 1818.

<sup>6</sup> *Niles' Register*, Vol. 13, p. 321.

<sup>7</sup> *Ibid.*, Vol. 29, p. 223.

thiana. Believing that the subject of internal improvements and schools could be made auxiliary to each other, he suggested that the school fund be invested in the turnpike roads, "and the net profits arising from tolls on these roads be forever sacredly devoted to the interests of education."<sup>8</sup>

Although the state government during this period did not find it desirable to aid generally road building, it passed numerous acts concerning old lines and incorporating a host of private stock companies, which thrived for a while and then ceased to exist. In the session of 1815-1816 the old Wilderness Road received attention. A law was passed to aid the construction and repairing of small roads branching out from the main road, by giving to these roads respectively one-half of all the tolls collected from those travelers passing off upon these roads.<sup>9</sup> For the purpose of constructing new roads, two companies were incorporated the following year. The capital stock of each was fixed at \$350,000, in shares of \$100. At least nothing should be lost by setting aside 500 shares in each company for the state, to be subscribed and paid for in any way the Legislature saw fit. This was an invitation, however, which the state did not accept. One of these companies was to construct its road from Lexington to Louisville, and the other from Lexington through Paris and Washington to Maysville.<sup>10</sup> The former company passed through a transformation which came to be typical of many other turnpike companies thereafter; it was broken up into small companies, each with a section of the road to construct. Three new companies resulted in this instance, namely: The Lexington and Frankfort, the Frankfort and Shelbyville, and the Shelbyville and Louisville. The latter (Lexington and Maysville) was in fact a link in a long trace which had been used from early times, leading from Zanesville to New Orleans, and links of which had long come to be known as Zane's Trace and the Natchez Trace. Long before the legislation on the Maysville Road which produced Jackson's famous veto, Kentucky had in 1812 asked Congress to convert this long trace into a good road, particularly in Kentucky's case to accommodate her numerous traders who floated their flatboats to New Orleans and had to return this way.<sup>11</sup> It was in pursuance of this idea of making this great interstate road that Kentucky in 1821 made her first appropriations to aid a road. She appropriated \$1,000 for this purpose to the portion lying southward from Lexington toward the Tennessee line, "owing to the thinness of the population in the neighborhood and to the quantity of labor requisite to put in repair that part of the great highway leading from the northwest of the Ohio and upper settlements of this state to the states of Tennessee and Alabama and the Orleans country."<sup>12</sup>

An ever growing amount of turnpike legislation came in each succeeding Legislature for many years hereafter. New companies were incorporated to build roads in every direction, and old companies were amended and abolished. The same Legislature that split the Lexington and Louisville company into three separate companies also chartered four other companies. These were the Louisville and Portland, Fayette and Madison, Georgetown and Lexington, and Georgetown and Frankfort companies.<sup>13</sup> The next year the link between Georgetown and Cincinnati was incorporated, and the Louisville and Bardstown Company saw the light.<sup>14</sup> In 1818 a rather more ambitious project was set on foot

<sup>8</sup> Collins, *History of Kentucky*, I, 538.

<sup>9</sup> *Acts of Kentucky*, 1815, 611.

<sup>10</sup> *Acts of Kentucky*, 1816, pp. 179-199; *Kentucky Gazette*, December 16, 1816.

<sup>11</sup> *Ibid.*, 1811, p. 256.

<sup>12</sup> Collins, *History of Kentucky*, I, 538.

<sup>13</sup> *Acts of Kentucky*, 1817, pp. 478-545.

<sup>14</sup> *Ibid.*, 1818, pp. 721-725.

to build a road from Mount Sterling through Prestonsburg to the interior of Virginia. This would give a short and direct route to the East—an idea which became a hobby for railroad companies to play with for a half century. The governor was instructed to correspond with the governor of Virginia for aid and concerted action.<sup>15</sup> A plethora of acts soon came appointing commissioners "to view" certain routes for the purpose of selecting the best course.<sup>16</sup>

Soon state aid began to creep in as if by stealth and without system. In the 1822-1823 session the Legislature permitted a lottery to be held for the purpose of opening a road from the Beaver Iron Works to Prestonsburg.<sup>17</sup> This was permitted as an aid to the iron industry. Another method of aiding came in the form of land grants to counties which were building roads. In 1831, 2,000 acres was given to Casey County and \$200 worth of land warrants donated to Clay and Perry counties.<sup>18</sup> But the most direct and important aid was given to the project which had already received state aid in another region. This was the Maysville-Lexington link of the great interstate highway. This road, which had been reincorporated in 1827, with the invitation to Kentucky and the United States to subscribe \$100,000, received \$50,000 from the former and, before it was finished, \$150,000 more.<sup>19</sup> At the same time the state also subscribed \$15,000 to the Shelbyville and Louisville road.<sup>20</sup>

The period from 1820 to about 1828 was lean in internal improvement projects; the people were too busy with hard times and relief, banks and court troubles.<sup>21</sup> But with the return of prosperity, a flood of turnpike companies greeted the people. In 1828 the approach of good times was heralded in nine new turnpike companies and the following toast given at a Lexington meeting: "May our *manufactures* be consumed, our *canals* locked up, our *roads* railed, our *rivers* damned, and our *ships* blasted to the remotest ends of the earth."<sup>22</sup> Laws were piled up each year until, in the session of 1835-1836, at least eighty acts were passed on roads, streams, or railroads. The people were becoming thoroughly aroused to a general scheme of internal improvements where all roads and streams could be coordinated. The wealth of the state could be unlocked in no other way. Governor Metcalfe in 1831 called upon the Legislature to consider the matter and at the same time called the attention of the state to the true source of its wealth: "It is believed to be a sound maxim in political economy, that national wealth consists in the most enlarged and varied capacity to acquire the necessities and comforts of life. The ancient but fugitive theory by which the minds of many have been bewildered, that national wealth consisted in accumulations over and above the annual consumption, has long since been exploded. All practical statesmen now admit that *hoarded accumulations*, without a market, are valueless and will soon perish. Whatever that saves labor or time is admitted to be productive of wealth. Whatever facilitates and cheapens

<sup>15</sup> *Ibid.*, 1818, pp. 603, 604, 794, 795.

<sup>16</sup> Committees were appointed for "viewing" the following roads in 1820: From Knox County by way of Williamsburg to the Tennessee line, Frankfort to the Ohio River opposite Neville, and Danville to the Tennessee line. *Acts of Kentucky*, 1820, pp. 101, 133-135, 163, 164. The next year roads were to be "viewed" from Frankfort, to Bowling-Green, Bowling-Green to the mouth of Clover Creek, and from Lexington to Ghent on the Ohio. *Ibid.*, 1822, pp. 211, 212, 212-214, 190-192.

<sup>17</sup> *Acts of Kentucky*, 1822, p. 92. The first lottery permitted for road purposes was in 1811. Collins, *History of Kentucky*, I, 539.

<sup>18</sup> *Ibid.*, 1831, pp. 77-81.

<sup>19</sup> *Acts of Kentucky*, 1826, pp. 81-95; *Ibid.*, 1827, 88, 239, 240. Collins, *History of Kentucky*, I, 538-540.

<sup>20</sup> *Niles' Register*, Vol. 37, p. 427.

<sup>21</sup> Compare the state acts during this period with those for periods directly preceding and following.

<sup>22</sup> *Niles' Register*, Vol. 34, p. 337; *Acts of Kentucky*, 1828, *passim*. In 1827 roads had begun to be "viewed" again.

the process of exchanging one commodity for another increases the capacity to produce; enriches the nation; adds to her offensive and defensive strength; diffuses comfort and happiness and joy amongst her own citizens; increases their love of home; affords them leisure for the cultivation of the mind; enables them to mingle without defined limit in the affairs of active practical life; exalts their character and that of the state to the loftiest summit of human elevation."<sup>23</sup>

With Federal aid to internal improvements definitely checked under the Jackson regime and with little real progress being made apart from the endless process of setting up companies which never did anything, the people were gradually goaded by the exigencies of the times into a definite program. In 1835 a Board of Internal Improvements was set up, consisting of the governor and four other members, whose duty it was to employ competent engineers to survey turnpikes and streams, determine upon what should be done, coordinate rivers and roads, and subscribe for the state stock in these projects—generally from one-half to two-thirds. In order to produce results as soon as possible and to show that this was not a mere legal gesture, \$1,000,000 was appropriated to carry on the work.<sup>24</sup> Enthusiasm had now produced action, and both were strongly in the air. Governor Morehead said: "So astonishing, however, are the resources of our favored country, so unparalleled the energies of its citizens, that while we are busied in our speculations concerning a given enterprise, calculated from its magnitude to strike us with wonder, we may almost lift our eyes on its rapid accomplishment."<sup>25</sup>

A veritable rebirth was predicted for the state. Niles declared that a "noble spirit of internal improvements is abroad in *Kentucky*," and that much had already been done in the creation of the board, "and more will be speedily accomplished," and the *Commentator* had rosy visions for the future: "Who can predict the aspect Kentucky will present when her streams become permanently navigable, and when all her roads through the interior become commodious channels of trade? The day is fast approaching when the difficulties of transportation and travel which have been encountered by this community will live in tradition only, and be listened to with incredulity by the rising generation. Not long ago it was at many seasons of the year a hard day's ride from Frankfort to Shelbyville, a distance of twenty-two miles, while for wheel carriages the road was absolutely impassable. The road from Frankfort to Maysville, the great thoroughfare of the state, was in the same condition. Now at all seasons, and in day or night, large and commodious coaches pass with safety and rapidity. Such in a few years we hope will be the situation of all the leading highways of the country. We have begun the good work, it is true, at a late day; but this consideration should only stimulate to greater efforts in order to enable us to overtake those states who have got so many years the start of us."<sup>26</sup>

The Board of Internal Improvements immediately set to work to survey the numerous rivers of the state, determining on what improvements should be made and estimating the cost. As very little had been done by private companies on the rivers, this work engaged the attention of the board before the turnpikes. The first important survey was carried out on the Green and Barren rivers, and supplementing the little that had been done previously, the state spent on these rivers by 1836 more than \$125,000. This work had been carried forward before the Kentucky River had been taken up, and before it ceased to spend money upon them almost \$1,000,000 had been used up. The Kentucky River was

<sup>23</sup> *Niles' Register*, Vol. 41, p. 253.

<sup>24</sup> *American Almanac*, 1836; *Niles' Register*, Vol. 48, p. 17; Verhoeff, *Kentucky River Navigation*, 19.

<sup>25</sup> *Argus*, Jan. 7, 1835.

<sup>26</sup> Quoted in *Niles' Register*, Vol. 48, p. 75.



in many respects the most important waterway in the state. It afforded an outlet for the rich Blue Grass region and some of its tributaries tapped the mountainous section of the eastern part of the state. The estimated cost of making this system navigable was more than \$2,225,000, or a cost of nearly \$9,000 a mile. The state actually expended \$901,932. The Licking River was also of great importance, as it ran from the mountains across the central Blue Grass region into the Ohio at Cincinnati. Nearly \$375,000 was expended on this river. Surveys were made and various amounts of money were also spent on the following streams: Cumberland, Rockcastle, Little, Salt, Little Sandy, Big Sandy and tributaries of the larger streams.<sup>27</sup>

As heretofore stated, canals, as compared with rivers and turnpikes, played a very slight part in the internal improvements program of the state. Outside of the canal around the falls of the Ohio at Louisville, none of any importance was built. Wherever they were suggested, it was merely for connecting links between rivers or for avoiding rapids. A canal for joining two important river systems was surveyed in 1837 between the Goose Creek Salt Works and Cumberland Ford. This would make a continuous waterway between the Kentucky River and the Cumberland River, thus affording a circuitous route from Northern and Central Kentucky through the mountains of the southeastern part of the state, down the Cumberland through Tennessee and on up through the western part of Kentucky into the Ohio above Paducah. Perhaps the most interesting and certainly the most ambitious long-distance waterway scheme was the Inter-State Canal between Kentucky and Georgia. This was merely another form of the ambitious project that had been engaging the attention of Calhoun and other Southern statesmen in connecting the Atlantic with the Ohio, their plan being to build a railroad. This was a recognition of one of the most important single factors in Kentucky commerce, namely, the ever-increasing amount of trade that was passing through Cumberland Gap for the South. This project was among the first suggested by the Board of Internal Improvements. This system was to begin in the Kentucky River and continue up the South Fork and Goose Creek to the salt works, and thence by means of a canal to the Cumberland River and up this river and Yellow Creek to the region of Cumberland Gap. A tunnel was to be constructed through the mountains here into Powell River which should be followed downward into the Clinch and Tennessee rivers, and thence up into the Hiwassee, from the headwaters of which a canal should be run into the Savannah. The report declared: "Such a canal would outflank the whole chain of the Appalachian Mountains on the southwest, and, in the course of its extent, would cross the various noble rivers—Coosa, Chattahoochie, Oconee, etc.—which, taking their rise in the chain of the Appalachians, flow into the Gulf of Mexico and the Atlantic Ocean, between the cities of Charleston and New Orleans. This would throw open to the commerce of the counties bordering on the Ohio River a choice among the numerous markets presented by the vast extent of cotton country, independently of the facilities it would offer for reaching the northeastern cities or European ports, through the ports of Savannah and Charleston." It was furthermore claimed that the cost would be much less than turnpike construction and that the "most perfect kind of canal can be constructed for one-half the cost of the most perfect railroad."<sup>28</sup>

The canal project around the falls in the Ohio at Louisville, which had so persistently engaged the attention of Kentuckians, but which had

<sup>27</sup> Various acts of the Legislature during the period should be consulted for the multifarious details and Collins, *History of Kentucky*, I, 544-550 for more general points.

<sup>28</sup> Collins, *History of Kentucky*, I, 548, 549; Verhoeff, *Kentucky River Navigation*, 104-106.

so signally failed to interest the other states along the Ohio or Congress, was at length taken up again in 1825 by a private company incorporated under the name of the "Louisville and Portland Canal Company," and was unhampered by any joint control through state or national ownership of stock. The capital stock of \$600,000 was subscribed before the end of the year; and four years later the capitalization was increased to \$700,000. Work was immediately pushed forward, and on December 21, 1829, the first boat, the *Uncas*, went through the canal. This set the beginning of a new era on the Ohio. Traffic was now open and unimpeded from Pittsburg to New Orleans, and this barometric gauge at Louisville gave a true insight into the commercial prosperity at any time of the great interior region. In less than a decade more than 1,500 steamboats and over 500 flat and keel boats went through this canal annually, carrying cargoes of over 300,000 tons. It was a success from the start, financially and otherwise. Even before it was finished its great value as a revenue producer was foretold, and Governor Desha bemoaned the fact that it was not a state undertaking: "It must be a subject of perpetual regret to every patriotic mind that the state did not, with her own resources, undertake the construction of the canal at Louisville. It would have been an imperishable fund—a source of revenue as lasting as the Ohio River itself—which would have enabled the government to accomplish the most extensive and useful plans without increasing the burdens of the people." But the Federal Government had been prevailed upon to invest in the canal, first, \$100,000 in 1826 (made possible by forfeited stock) and later additional amounts. Tolls at times were considered too excessive, and so in 1842 the Legislature sought to have the whole ownership vested in the city, state and nation. The first two now refused, the latter, through a long series of transactions and expenditures, finally secured complete control of the canal and made it free in 1874.<sup>29</sup>

The activity of private companies in building turnpikes and in projecting a great many more was immediately heightened by the inauguration of state aid through the Board of Internal Improvements. The Legislature that saw this board set up produced a veritable flood of turnpike charters. This process was continued with fluctuations, due to the varying degrees of prosperity of the state, down until the Civil war began. During the period of the conflict there was a complete cessation, but immediately on the coming of peace a renewed interest came. However, another method of developing the state's resources was appearing as early as the '30s, paralleling river improvement and turnpike building for a decade or more and then almost completely swallowing up these activities. This was the railroad, to be noted hereafter. The turnpike system, aided and partly owned by the state, branched out in every direction from the main pivots of Maysville, Lexington and Louisville. From the first point roads ran to Lexington, into Bracken County, and to Mount Sterling. Louisville sent out her tenacles in two long lines to the Tennessee line in each instance. The first road ran through Bardstown and Glasgow, whereas the other veered farther westward by way of the mouth of Salt River and then through Elizabethtown and Bowling Green. Feeder roads ran out from these trunk lines at several points. But to Lexington went the honor and advantage of being the center of the whole system, of which fact she was justly proud and not slow to boast. An enthusiastic Lexingtonian declared: "We have now seven Turnpike roads and one rail road terminating at this City. A greater

<sup>29</sup> Collins, *History of Kentucky*, I, 47, 551-553; Timothy Flint, *History and Geography of the Mississippi Valley* (Cincinnati, 1833), Third Edition, I, 359; Niles' Register, Vol. 19, p. 170; Vol. 35, p. 387; Vol. 42, p. 82. Report on Louisville and Portland Canal, in *Miscellaneous Documents of the House of Representatives*, in No. 83, 40 cong. 2 sess.

number, we believe, than in any city in the world. And when the Charleston rail road, and the Tates-creek road, the Russel road and the Hamp's mill roads shall be Macadamized, which must be done in a few years, we defy the earth to exceed us in the variety and pleasantness of the travel from Lexington." <sup>80</sup>

As compared to Louisville or Maysville, Lexington had a distinct advantage in the road network, since the former two were situated on the Ohio River and, of course, could develop roads only southward. The rivalry of these principal cities which was later expressed so strenuously on various subjects was now breaking forth in the efforts to secure the location of turnpikes, as well as to secure priority the completion of certain turnpikes. Lexington was especially desirous of pushing the road through to Covington as soon as possible, and thereby make connections with Cincinnati, whereas both Maysville and Louisville wished to hasten their connection by turnpike with that city. As a point in their argument, they claimed that Lexington might well use the road by the way of Louisville or Maysville when those connections were completed. Lexington, with much justice, resented these suggestions: "We do not believe it good policy for a citizen of Lexington who had no business at either Louisville or Maysville to go by either of those cities to Cincinnati." <sup>81</sup> The principal state roads leading out of the Blue Grass city were: To Maysville, to Danville and Lancaster, to Harrodsburg and Perryville, to Winchester, to Richmond, to Versailles and Frankfort, and to Georgetown and Covington.

Whether wisely or not, the state had launched out onto an internal improvement program which had been carried forward in no weak fashion. Rivers were improved and many turnpikes projected and built. Locks and dams were erected in the former and snags and other impediments removed; the main turnpikes were macadamized and graded from thirty to fifty feet wide. Summing up the achievements at that time, Governor Owsley said in 1844: "Eight hundred and ninety-eight miles of roads which were formerly in many places difficult to pass, and in some seasons impassable, have been converted into graded and McAdamized highways, over which every class of carriages of burthen and of pleasure pass with ease and convenience at all times; and streams which were formerly incapable of being navigated, except in time of flood, have been converted into rivers navigable at all times, 363 miles \* \* \*." <sup>82</sup> It was not, however, without tremendous expense to the state that these improvements had been made. Besides the initial appropriation of \$1,000,000 made when the Board of Internal Improvements was set up, the state at frequent intervals made large additions. By 1839 there was a bonded indebtedness on account of internal improvements of \$1,765,000. By the outbreak of the Civil war, the state had an indebtedness for rivers and roads of almost \$4,500,000. <sup>83</sup>

The state had in fact spent money lavishly on these improvements and often without proper evaluation of returns and general results. In the contagion of the enthusiasm at the beginning, estimates of the cost of construction of projects were made in a perfunctory way and in amounts far smaller than the actual cost. It was estimated that the cost per mile of rendering the Green and Barren rivers navigable would be slightly over \$1,200, but the actual cost turned out to be more than \$5,000. The engineer, drunk with the spirit of the times, boldly asserted

<sup>80</sup> *Kentucky Gazette*, April 4, 1839.

<sup>81</sup> Editorial in *Kentucky Gazette*, March 28, 1839. For other town rivalries, see *Ibid.*, Sept. 20 et seq. 1820.

<sup>82</sup> *Lexington Observer and Reporter*, Jan. 1, 1845. Message to the Legislature, December 31, 1844.

<sup>83</sup> Collins, *History of Kentucky*, I, 78. Also see *Ibid.*, 44, 46, 540. Individuals had expended by 1837 almost \$2,000,000. *Ibid.*, 540.

that the state would be able to sell the power at each of the dams in the Kentucky River for from \$3,000 to \$12,000 annually. The fact was that about one-fortieth of that amount was realized.<sup>34</sup> The returns to the state on its investment in turnpikes ranged from 4.02 per cent to .09 per cent. On a majority of the roads it made less than 1 per cent.<sup>35</sup> Despite these low returns, the people had a feeling that tolls were too high, and there were frequently complaints that any tolls at all should be exacted. In 1848, ministers on duty were allowed to travel the state roads free of tolls.<sup>36</sup> The internal improvements bonds at first were eagerly bought up by the Eastern market, \$100,000 being sold in New York at a premium of \$3.10, but within a half dozen years the outside market had vanished and the governor of the state was begging wealthy Kentuckians to subscribe for them.

Hard times in 1842 caused many people to examine more closely into the wisdom of impoverishing the state on internal improvements that were after all not meeting expectations. Governor Letcher, in his message to the Legislature, December 31, 1842, threw out a caution against further expenditures beyond what was absolutely necessary to carry out the projects then under contract.<sup>37</sup> Many members of the Legislature advocated the abandonment of the whole system, while others would finish the projects then under contract.<sup>38</sup> The latter policy finally prevailed, resulting in a further appropriation of \$420,000 for the purpose.<sup>39</sup> More expenditures in projects, with little earning power, soon ran the stocks in internal improvement projects down to from 25 cents to 30 cents on the dollar by 1851.<sup>40</sup>

In 1847 the Legislature passed a resolution looking toward the conclusion of the internal improvement program. The Board of Internal Improvements was requested to report on what parts of roads and connecting links should be completed, without further expanding the system. It was stated that Kentucky "has expended large amounts of money in the construction of Turnpike roads, many of which have been left incomplete, and some of them with only short intervals between long lines of finished road, whereby the usefulness of the improved parts of said road is greatly impaired and the productiveness of said roads diminished." It was further resolved that it would be impolitic to complete all of the contemplated roads.<sup>41</sup> The whigs had made internal improvements their chief concern and while enthusiasm ran high for these works they enjoyed a valuable political asset, but when the day of turnpikes and rivers was waning, it was easy for the democrats to point to the large public debt incurred in these undertakings, which had not fulfilled the glowing prophecies of a decade and a half ago. In 1851 the democrats indicted the whigs on their internal improvement folly thus: "They built locks and dams on two rivers, and made patches of turnpike roads here and there in the state, and then sank down exhausted with the mighty effort. Since then they have been engaged in the laudable work of devising ways and means of paying the interest of the debt created on the memorable occasion."<sup>42</sup>

Methods of transportation are constantly in a process of change and development. The era of river and turnpike expansion had scarcely

<sup>34</sup> Collins, *History of Kentucky*, I, 545, 549.

<sup>35</sup> *Ibid.*, 541. During the year of 1843, the state received from all of her turnpike holdings \$18,805.01, from the Kentucky River, \$10,863.85, and from the Green and Barren rivers, \$4,915.16. *Lexington Observer and Reporter*, Jan. 1, 1844.

<sup>36</sup> *Ibid.*, 56.

<sup>37</sup> *Frankfort, Commonwealth*, Jan. 4, 1842.

<sup>38</sup> *Ibid.*, March 8, 1842.

<sup>39</sup> Collins, *History of Kentucky*, I, 47.

<sup>40</sup> *Ibid.*, 63.

<sup>41</sup> *Acts of Kentucky*, 1847, p. 385.

<sup>42</sup> *Kentucky Yeoman*, Jan. 16, 1851.

begun in Kentucky when a new challenge was thrown out. The fame of the Liverpool and Manchester Railroad in England reached America in the later '20s and fired the imagination of the restless would-be captains of industry. Many immediately began preparations to build railroads and then to find out what they were. Lexingtonians, with their characteristic energy and initiative, were among the first in the West to agitate the subject. In 1830 they secured a charter from the Legislature to build a railroad from Lexington to some point, to be determined, on the Ohio River. The capitalization was fixed at \$1,000,000, with the right of the directors to increase it to \$2,000,000. For a time Cincinnati was looked upon as a likely objective, but Louisville (shipping port below the falls) was later determined upon. Subscription books were opened in early February (1830) and before two o'clock of the first day \$204,000 was subscribed. There seemed to be no doubt among the people of this region that a railroad would be an unqualified success. The *Reporter* said, commenting on the first day's subscription: "These liberal subscriptions by persons who have carefully investigated the subject afford conclusive proof that they consider the project not only a feasible one, but one that offers to the Capitalist an opportunity for a profitable investment of funds."<sup>43</sup> Preparations were soon under way to begin work on this road, to be called the Lexington and Ohio Railroad. Henry Clay was actively interested in it and was chairman of the board of stockholders. He declared in a meeting in the spring of 1831 that his friends had subscribed for him a considerable amount of stock; in fact, more than he had at first believed he should hold, but his faith in the ultimate success of the venture was so strong that he had now determined to retain all that had been subscribed for him. The Town of Lexington became a stockholder to the amount of \$25,000.<sup>44</sup>

Actual work was begun on the road to Frankfort in October, 1831. Tremendous enthusiasm prevailed, and a great celebration was held for the laying of the first "stone" and the driving of the first "nail." A long pageant parade formed and marched to the Transylvania College campus. Three military companies took part, and the political leaders and important organizations of the state participated. Governor Metcalfe, Col. Leslie Combs, Underwood and Buckner of the Court of Appeals, R. M. Johnson, R. P. Letcher and T. A. Marshall, members of Congress, and numerous lesser leaders, as members of the Legislature and lower courts, all were present. According to the account of the day: "For many years we have not witnessed so imposing a pageant and never one more interesting." Seven salutes were fired for the seven sections of the road that were to begin building immediately. All the church bells of the town were rung, prayer was said, and then the governor of the state "drove the nail attaching the first iron rail to the beginning stone sill." "Hail Columbia" and "Yankee Doodle" were played by the band.<sup>45</sup>

Work was carried forward rapidly, and by 1835 the road had been completed to Frankfort. A brief contemporary description of the structure of the road follows: "The superstructure consists of a continuous line (single track) of hard, gray limestone sills, the cube of which may be estimated at 200 inches, varying in length from 4 to 20 feet. These sills are embedded, 16 inches below the surface, in broken stone of the same description, 5 perches of which to a rod of road, reduced to a size not exceeding 4 ounces in weight, are used in bedding the sills and in macadamizing the horse-path; horse-power in the first instance being intended."<sup>46</sup> Horse power was supplanted by a steam locomotive upon

<sup>43</sup> Feb. 10, 1830.

<sup>44</sup> *Niles' Register*, Vol. 40, p. 181.

<sup>45</sup> *Reporter*, Oct. 28, 1831.

<sup>46</sup> *American Almanac*, 1833, p. 221.

the completion of the road, the equipment being manufactured in Lexington itself.<sup>47</sup> This road was important enough to soon have a disastrous wreck, in which one person was killed and others seriously injured. The account in the *Argus* said: "On the return, two burden cars, used as passenger cars, were placed in front of the locomotive, and became in some way entangled with each other in such a manner that one was forced off the road, with all its crowd of passenger, the wheels of the car rolling through them in dreadful confusion." This happened on Sunday, and the more religious observers were not slow to ascribe the catastrophe to the wrath of God.<sup>48</sup>

At the same time that work was begun on the portion of the route between Lexington and Frankfort, preparations were made to begin building through Louisville to Frankfort. The city authorities and the railroad company were unable to agree on a route through the city for months, and it appeared that no agreement could ever be reached, so in 1833 a committee of the Legislature was constituted and appointed to select the route. A short line was finally built from Sixth Street to Portland, but the people were violently opposed to the running of trains over it. It was claimed that the road was a menace to the city, that it endangered life, depreciated property, and injured business. Some of the more irate ceased to argue, and threatened to tear up the track. Resort was speedily had to the courts, where an injunction was granted. It was then appealed to the Court of Appeals by the railroad company, where the action of the lower court was reversed. Louisville had surprisingly failed to catch the spirit of the times in her senseless opposition to railways. Lexington, ever alert and progressive, said that she admired "the spirit and enterprise of the Louisvillians," but warned them "that the city will not maintain her present ascendancy unless she discards the apathy which strangely seems to pervade her at present."<sup>49</sup> While Lexington had boldly pushed the road to Frankfort, Louisville not only did not help

<sup>47</sup> The Lexington and Ohio Railroad was not the first railroad to be built in the West or even in Kentucky. A small railroad operated by horse-power was constructed and put into working in Bowling Green in 1832. Collins, *History of Kentucky*, II, 747. The Lexington and Ohio was also preceded by the Pontchartrain Railroad in Louisiana both in the date of the charter (one week) and the completion of the road. True it was, however, that these roads were insignificant when compared to the Lexington road.

<sup>48</sup> Jan. 28, 1835. The wreck occurred on the 25th. The *Baltimore American* gave the following account: "The introduction of an elegant locomotive upon the road had attracted a crowd to witness its operations. Two burden cars, fitted with only a temporary bench and without side railings, were in the train attached to the locomotives, which made its trip of six miles out in safety. On the return the train, filled with passengers, was pushed before the locomotive, and in passing a curve the wheels of one of the cars was jerked off the road creating a considerable shock to the whole train. Some of the passengers on the two burden cars attempted to jump off, the ground being nearly on a level with the road at the place; others, especially those standing on the forward burden car, were thrown backwards and knocked off, those near the edge of it under the wheels of the other; some, attempting to leap on the bank, fell and rolled down, and thus all the mischief was done. *Lewis Lonkard* and *Leonard Taylor*, of Lexington, *William A. Cocke* and *Joseph Holt*, of Louisville, *F. W. Trapnall*, of Springfield, and *Daniel Green*, of Fayette County, were in this way thrown off the forward burden car under the wheels of the other. Lonkard was instantly killed; Taylor and Green had each a leg broken; Messrs. Trapnall and Holt were severely bruised, and were probably saved by Lonkard's falling before them, and in some degree stopping the car. Mr. Cocke had his right foot firmly fastened in the forward wheel of the hindmost car, and was much injured, and but for the presence of mind and promptness of the engineer in stopping at the moment, must have lost his leg, and most probably his life; another quarter turn of the wheel would have been fatal. He could be only released by taking that part of the car to pieces. Several gentlemen were bruised and slightly injured. The Lexington Observer, from which we derive this account, says that none of the cars turned over, and if the burden cars had been substantially railed round, or if only passenger cars had been used, or all had been drawn and not pushed, nothing serious would have been the consequence." Quoted in *Niles' Register*, Vol. 47, pp. 412, 413.

<sup>49</sup> Editorial in *Kentucky Gazette*, Dec., 1835.

in building the link from her limits to Frankfort, but had thus actually retarded the work. While Lexington was going forward in the development which was destined to remake the transportation facilities of the state and nation, Louisville was resting content with her river traffic. No extension of this short line in the city was made, and in 1844 it was transferred to a group known as the Louisville and Portland Railroad Company. This road was in fact little more than a street railway.<sup>50</sup> In 1847 the unbuilt line of the Lexington and Ohio Railroad between Louisville and Frankfort was taken up by another company, which was incorporated by the Legislature under the name of the Louisville and Frankfort Railroad Company. Work was started soon thereafter, and in 1851 the road was completed, thus giving for the first time railway connections between Lexington and a point on the Ohio River. The Lexington branch soon ceased to bear the old name of Lexington and Ohio and became the Lexington and Frankfort Railroad. In 1867 the two links were consolidated under the same management and ownership and were called the Louisville, Cincinnati and Lexington Railroad.<sup>51</sup>

About the time the Lexington and Ohio had been completed to Frankfort, another project was brought forward and attracted much attention, especially in Lexington. This was the so-called Louisville, Cincinnati and Charleston Railroad, which was being projected by such leaders in South Carolina as Hayne and Calhoun, for political as well as commercial purposes.<sup>52</sup> These far-sighted statesmen would thus more completely bind the West and the South together. This road was given a charter for Kentucky link by the Legislature, with a capitalization of \$6,000,000. In order to placate the rivalry of certain cities, the road was to branch out at Lexington, with lines going to Louisville, Covington or Newport, and Maysville. Lexington would be the strategic center of this system in the state and was consequently much elated over the prospect. The Fayette County Court directed the issuance of \$100,000 of bonds to aid the project, and in August, 1838, a great railroad festival was held in Lexington to arouse enthusiasm and support.<sup>53</sup> A large barbecue was given, at which from 2,000 to 3,000 people were present. Among the speakers were Robert Y. Hayne, of South Carolina, and Judge Reese, of Tennessee. Henry Clay, John J. Crittenden, Richard M. Johnson, Chas. A. Wickliffe and Thomas Metcalfe and other distinguished Kentuckians were also there. According to the *Kentucky Gazette*: "The almost unanimous sentiment appeared to be enthusiastically in favor of the great work which is to strengthen the bonds of union between the South and the West, and to make Kentucky what the God of her creation designed—the finest portion of the habitable globe."<sup>54</sup> Hard times following the panic of 1837 were largely responsible for the failure of this project at this time. The idea was revived shortly before the Civil war, but the panic of 1847 and the war soon thereafter brought about a definite termination.<sup>55</sup>

<sup>50</sup> *History of the Ohio Falls Cities and their Counties*, I, 57, 58.

<sup>51</sup> *History of the Ohio Falls Cities and their Counties*, I, 58, 59; article on early railroads of Kentucky in *Courier-Journal* July 15, 1883; Collins, *History of Kentucky*, I, 54, *passim*; J. H. Ellis, "In the Days of Auld Lang Syne" 14 pp. (Pamphlet address at the Fourth Annual Banquet of the L. & N. Traffic Club, February 21, 1914, at the Seelbach Hotel, Louisville); Capt. Alfred Pirtle, "Early Railroading in Kentucky" in *Engineers and Architects Club of Louisville, Papers and Reports*, 1911, pp. 5-15; Capt. Alfred Pirtle, "Some Early Engineers and Architects in Kentucky" in *The Register of the Kentucky State Historical Society*, Vol. 12, No. 36 (September, 1914), pp. 37-53.

<sup>52</sup> This was the railroad corporation that attempted to secure a charter for the Southwestern railroad bank, heretofore noted.

<sup>53</sup> Collins, *History of Kentucky*, I, 40, 41, 43. Also see *Railroad Proceedings and Address of Fulton and Vicinity to the People of Ohio* (Cincinnati, 1835).

<sup>54</sup> Aug. 30, 1838.

<sup>55</sup> The idea of such a road was, however, never lost. The bitter struggle and the

From the chartering of the Lexington and Ohio Railroad to its completion, the people of the state were watching the progress of its construction, some doubting even that a road could be built at all, and many more believing that trains could not be successfully run if it were completed. Moreover, the era of state aid to internal improvements had just begun when the Lexington and Ohio was completed, and the great amount of capital in the state would yet drift into rivers and turnpikes, certain developments, rather than into railroads, yet to be tried. Therefore, not until the '40s did the railroads come into their own and hold the stage, for directly previous was the hey-day of internal improvements. Just as Lexington had begun the railroad movement, so was she foremost in carrying it forward later. Her location in the center of the richest and most progressive part of the state gave her a strategic position in the location of nearly every important line, for almost every railroad that should be projected by the other cities would of necessity run through Lexington, and thus the interests of this city were rarely pitted in rivalry with the other cities.

One of the first important projected routes to receive general interest after the Lexington and Ohio had been completed to Frankfort was a line from Louisville to Lexington and on to the mouth of the Big Sandy River, there to connect with a railroad which it was hoped Virginia would build on to the seaboard at Norfolk. In 1839 the Legislature suggested that such a survey should be made, as a road along this line would prove of commanding importance—it would in fact be the great highway connecting Kentucky with the East. In the estimation of the Legislature this route would give Kentucky a commanding position in the markets of the east, and with remarkable foresight, adduced in reality by the early experiences of the Kentucky people, the Legislature also saw the great value of this road in case of a war that might close the lower Mississippi. By starting at Louisville, this road would also connect the railways of the Northwest with the East.<sup>56</sup> Nothing of importance was done at this time, but this was a logical trade route that would some time have to be developed. Interest was continuous; it could not die. Finally, in 1852, the main idea was carried out in the chartering of the Lexington and Big Sandy Railroad. Great enthusiasm prevailed at the terminal points and all along the way. Lexington voted bonds to the amount of \$150,000, while Clark County voted \$200,000 of bonds. Work was begun at Cattlettsburg in November, 1853, amidst elaborate ceremonies and much speech-making. Trouble was encountered at the start on the Lexington end. That city refused to issue the bonds on the grounds that the company had not carried out the contract. The case entered the courts and was finally settled in favor of the railroad. In 1855 work was begun at Lexington and pushed forward toward Mount Sterling; but before the Civil war the whole project had failed, and the road was sold in 1860 for \$60,000. For nine years war and its aftermath caused the abandonment of the project; but in 1869 it was revived under the name of Elizabethtown, Lexington and Big Sandy. Enthusiasm ran high again with Lexington and Fayette County each voting \$25,000 aid in bonds. Work was begun in 1871 at both ends of the line, and finally the line was completed and today bears the name of Chesapeake and Ohio.<sup>57</sup>

Interest was also early and persistent in another line in the same general direction. The road was projected from Lexington to the Cumberland Gap, there to tap the road from East Tennessee to Virginia. This road would accomplish the same general purpose of the Lexington and

ultimate construction of the Cincinnati Southern Railroad was a consummation of this same project. This subject will be treated at length hereafter.

<sup>56</sup> *Acts of Kentucky*, 1838, pp. 391, 392. Resolution dated Feb. 23.

<sup>57</sup> Ranck, *History of Lexington*, 366, 367; Collins, *History of Kentucky*, I, 66, 68; Engineers and Architects Club of Louisville *Papers and Reports*, 1911, p. 13.



Big Sandy, but in a more round short way. In 1853 a widely attended meeting to promote this project was held in Richmond where delegates from North Carolina, Virginia, Tennessee, and Ohio came together. Despite much agitation extending for years thereafter, this road was not built as such.<sup>58</sup> Railroads were really carrying out in a much more complete fashion the purposes that had been held in view in the construction of the turnpikes. Just as Lexington had sought turnpike connections with Cincinnati, now she would have a railroad. The earliest road chartered to carry out this project was the old Licking and Lexington Railroad, chartered in 1847. But like many another paper railroad of this period, it soon changed in name and management; and by 1851, under the name of Covington and Lexington it was in process of organization. In this year Fayette County voted \$200,000 of bonds in its aid. By this time the road had been completed to Cynthiana where a barbecue was held to celebrate the event. This road was later called the Kentucky Central and came to be a line of great importance and strategic value in the Civil war. It was extended southward to Nicholasville, not far beyond which place the gorge of the Kentucky River held up its further extension for years. Danville, which was the next town in the line of this road, hoped to extend it on to the Tennessee line, and as early as 1853 Casey and Cumberland counties voted to tax themselves to aid in building this link. This great north and south route, which in its larger aspects was a connection between the Ohio valley and the South Atlantic region, was finally railed in the Cincinnati Southern and its rival the Louisville and Nashville.<sup>59</sup>

Another important connection of Lexington's with the driving force coming principally from Maysville was the Maysville and Lexington Railroad. This was merely bringing the old route of the Maysville Turnpike up to date. The beginning of this road was celebrated in Maysville in 1851 with Charles S. Morehead as the principal orator of the day. Maysville was a plucky town and deserved a better fate than the lines of trade and economic development have made her. At this celebration Lexington was not forgotten as the pioneer city of the West in railroad building. This road was pushed rapidly forward in the characteristic Maysville way, and by Christmas day, 1853, trains were running over it to Paris where it stopped as it here tapped the Lexington and Covington Railroad (Kentucky Central).<sup>60</sup>

Maysville also hoped to extend her iron tentacles eastward and this she prepared to do in the Maysville and Big Sandy railroad. In 1853 Mason County voted \$100,000 to aid this project. Some construction work was begun, but hard times and various other factors soon brought about its abandonment. With much the same history as the Lexington and Big Sandy, it was revived after the Civil war under the name of Kentucky and Great Eastern, finally was built and is today part of the Chesapeake and Ohio system.<sup>61</sup>

By 1850 Louisville had shaken off the lethargy and even opposition to railroads which had characterized her attitude in the '30s, and in this year she took steps toward the construction of a line directly southward to Tennessee, the celebrated Louisville and Nashville, which was to become a line of commanding importance in the state and around which all Western Kentucky centered for years. As this road was not finished until the eve of the Civil war, and as its great role in the history of transportation in the state was not assumed until the conflict

<sup>58</sup> Collins, *History of Kentucky*, I, 67.

<sup>59</sup> Collins, *History of Kentucky*, I, 54, 62, 66, 72.

<sup>60</sup> Engineers and Architects Club of Louisville *Papers and Reports*, 1911, pp. 12, 13; Collins, *History of Kentucky*, I, 62, 69.

<sup>61</sup> *Ibid.*, 66. By 1874 an extension down the Ohio toward Augusta had been built to Dover.

was on and after it was over, the account of this remarkable development will more properly be taken up later. As this road in fact came to be an integral part of the city's economic consciousness, the railroad activity of this city was centered preeminently around this road. Although controlling the western part of the state through this road, Louisville did not rest content, but threw out feeders and connections to the eastward where the rich central Kentucky region awaited her conquest. The Louisville and Frankfort Railroad has been previously mentioned. The extension of this road southward from Frankfort to Harrodsburg in Mercer County was soon determined upon. In 1851 Franklin and Mercer counties each voted \$200,000 in aid of this extension, and two years later Louisville took steps to underwrite bonds of the Louisville and Frankfort Railroad for \$500,000 to help construct the road to Harrodsburg, and she also subscribed \$300,000 to extend the road from this point to the Tennessee line toward Knoxville. This project, like many others of the times, failed to materialize.<sup>62</sup> About the same time a branch from the Louisville and Frankfort was projected through Shelbyville to Harrodsburg and thence on the link desired by Louisville toward Knoxville. Shelby County voted \$500,000 to aid this development. Harrodsburg finally obtained railway connections in this link; but the development to Knoxville was never consummated.

Another road in which Louisville soon became interested as only secondary to the Louisville and Nashville was the so-called Louisville and Covington Road. This would give rail connections with Cincinnati, and this latter city was therefore interested also. In 1854, Covington voted \$500,000 to aid this project. This road was not finished until after the Civil war.

Development of railways in the extreme western part of the state came in this same general period of the '50s. The Henderson and Nashville Railroad was organized in 1852 with Archibald Dixon as president. This region was also much interested in the greater project of the Mobile and Ohio Railroad. This with the Illinois Central marked the beginning of the national policy of granting aid to railways through land grants and timber rights. In 1848 the Kentucky Legislature expressed its desire to have Congress aid the Mobile and Ohio Railroad by granting to it "the right of way over the public lands lying on the route proposed, the privilege of cutting the timber required for the construction of the road, and also the alternate sections of public lands situated on the route, which are unsold."<sup>63</sup> Paducah, in 1853, voted \$200,000 to aid in constructing a branch to the Mobile and Ohio which ran through the extreme western counties of the state.

Kentucky active in her own railway development was no less interested in lines projected far beyond her borders. The Mobile and Ohio was one example of this; but the most striking instance was the scheme of Asa Whitney to build a railway to the Pacific. Kentucky easily succumbed to the propaganda of Whitney in his efforts to secure national aid. Whitney appeared before the Legislature in 1848 and explained his magnificent scheme, and in the words of the enthralled Legislature, it listened "with interest to a very lucid explanation \* \* \* of his proposed plan for the construction of a railroad from Lake Michigan to the Pacific Ocean. To conceive the idea of undertaking and accomplishing such an enterprise strikes us with astonishment, but it is confessed that the explanation of Mr. Whitney, and the purpose of his plan, places the subject before us in a more plausible point of view than we had supposed it could have been done. \* \* \*

If such a scheme be practicable, it challenges the attentive consideration

<sup>62</sup> Collins, *History of Kentucky*, I, 63, 66, 67.

<sup>63</sup> *Acts of Kentucky*, 1847, p. 488. Date of resolution, March 1.

of this nation and deserves the aid of the strong arm of the government." It instructed the Kentucky members of Congress to "give such consideration and countenance to that great project which, in their judgment, its magnitude, importance and practicability deserve."<sup>64</sup>

In the period before the Civil war, the decade of the '50s saw the great railroad awakening in the state. During the session of the Legislature of 1846-1847 three railroad acts were passed; during the session of 1849-1850, seven acts were passed; and during the session of 1851-1852 the number jumped to eleven. Thereafter until the war came, there was no diminution; but all the acts did not grant charters, for the day of reorganization and relief went with this hasty period of charter granting. The peak point in this decade was easily the first part, with Lexington the greatest center of activity.<sup>65</sup> The other two cities most forward in developing railroads, as has already appeared, were Louisville and Maysville. Many charters were granted for railways that were never built, and bond issues were promised and voted by cities and counties that were never delivered. This was a boom period when estimations and minute examinations were smothered in the enthusiasm of the day. Projects far too large for the resources of the communities concerned were undertaken, and the day of reckoning was inevitably approaching. Panic times were approaching by 1854 and in 1857 the full force of depression was upon the land. Many railways fell in the crash, and work was virtually stopped for the time on all of them. The Maysville and Lexington came to grief in 1856, being sold under a decree of the Fayette Circuit Court to the first mortgage bondholders for \$105,000. The Covington and Lexington three years later was sold for \$2,125,000; and as previously noted the Lexington and Big Sandy came under the hammer in 1860.<sup>66</sup> Other roads were suspended and reorganized. A conspicuous exception to this almost universal railroad depression was the Louisville and Nashville. In 1859 James Guthrie sold over a million dollars of bonds of that road at par.<sup>67</sup>

It was only a short step from the state aiding turnpikes and river development to giving like help to railroads, and it was by no means unlikely in the beginning that such a step would be taken. In 1832, while the Lexington and Ohio was in process of construction the Legislature appointed a committee to investigate the progress that was being made "and the facilities it is likely to afford, when completed, to the commerce of the country" and also to give "their opinion on the utility of the work."<sup>68</sup> Although the state did not take stock directly in the road it had assumed a surety to the road of \$150,000 and in 1842 on the failure of the road to meet its obligation, it came into the hands of the state. In 1845 the governor in referring to the transaction said that "a railroad has been taken from a state of dilapidation for commodious and dispatchful transportation of men and things between Frankfort and the City of Lexington."<sup>69</sup> Although the Board of Internal Improvements was set up to develop rivers and turnpikes, still it on certain occasions took note of railway surveys. The resolution of the Legislature in 1839, heretofore noted, directed this board to survey the route for the proposed railroad from Louisville through Lexington to the mouth of the Big Sandy River. One of the factors that seems to have

<sup>64</sup> *Acts of Kentucky*, 1847, pp. 483, 484. Date of resolution Feb. 28.

<sup>65</sup> For example see *Lexington Observer and Reporter*, Jan. 19, 1850. The press of the state was busy in carrying forward the enthusiasm. Also see Collins, *History of Kentucky*, I, 63.

<sup>66</sup> *Ibid.*, 76, 81, 84.

<sup>67</sup> Collins, *History of Kentucky*, I, 81.

<sup>68</sup> *Acts of Kentucky*, 1832, p. 307. Date of resolution December 13.

<sup>69</sup> *Lexington Observer and Reporter*, Jan. 1, 1845. Also see Collins, *History of Kentucky*, I, 47.

entered into the question of the state taking stock in railways or even granting charters in certain cases was the fact that such action might militate against the success of the river and turnpike developments in which the state held shares. In 1846 a charter was refused to a company which wished to build a railway, which the state believed would compete with the navigation on the Kentucky River.<sup>70</sup> But undoubtedly the determining factor in this question was the failure of the internal improvement expenditures of the state to repay even in a small way the money the state had sunk in rivers and roads. An effort was made directly in 1851 to commit the state to a policy of aid to railways. A comprehensive program was produced in which the state should duplicate in stock purchased in certain railroads the amounts the railroads had actually expended. This contemplated the expenditure by the state of \$900,000 on a road from Louisville to the Mississippi River, \$500,000 on the Louisville and Nashville, \$200,000 on each of the Maysville and Lexington and Covington and Lexington roads, \$300,000 on the Maysville and Big Sandy, and \$100,000 on an extension of the Louisville and Frankfort to Danville. This bill failed to pass.<sup>71</sup>

The refusal of the state to aid railway construction did not prevent cities and counties from doing so, and as has amply appeared they did so with more eagerness than reason. The question was almost invariably determined, however, by a popular vote; and not in all cases did the people decide to travel the easy road of voting bonds, which they seemed to have little concern about meeting the payment of. Newport in 1854 refused to vote \$200,000 of bonds to the Newport and Louisville Railroad, and Lexington in a few instances rejected bond issues for railroads.<sup>72</sup> The great profusion of bond issues by various counties and cities brought about on the part of some people the demand that a halt should be called to the never-ending stream of bonds. It was easy to vote bonds; but paying them was different. A debate on the subject was held in Lexington where Robert J. Breckinridge spoke eloquently against the policy, declaring that it was unwise and, besides, it was unconstitutional. George Robertson, formerly of the Court of Appeals, defended the policy.<sup>73</sup> In the hopes of curbing the practice, as well as of raising revenue, the Legislature passed a law allowing the county judge to levy a tax on railroad bonds. Whether the law accomplished its purpose or not, it roused the violent opposition of the citizens of McCracken County who called a meeting of protest and declared "That we will not support any man for sheriff of said county, who says he will collect said tax, if ordered by the county judge." Then waxing more bold in their attitude they declared that they "do hereby state that we, in conjunction with the great majority of the citizens of said county, will repudiate aggression and defend our rights, and ever pray for justice and release—and we will also RESIST the collection of said tax."<sup>74</sup>

The development of railways in the state before the Civil war crystallized around a few wide-awake cities from which lines radiated out in all directions to enlist the support and secure the trade of surrounding towns and communities. In this new field of activity, unreasoning enthusiasm carried many people off their feet, and a mushroom growth of railway projects sprang up which could never survive. The panic of 1857 withered many and the Civil war, soon following, for

<sup>70</sup> *Lexington Observer and Reporter*, Apr. 12, 1846. This is an early example of a fear of that very factor that played a very important part in putting the steamboat out of business—paralleling lines of railway.

<sup>71</sup> Collins, *History of Kentucky*, I, 61.

<sup>72</sup> Collins, *History of Kentucky*, I, 71.

<sup>73</sup> *Ibid.*, 61.

<sup>74</sup> *Kentucky Yeoman*, Feb. 24, 1854.

four years devastated the land and left a much changed economic situation when peace came. For a decade after hostilities had ceased the railroad development of the state clung around two great forces, one seeking to be born into a more effective instrument, and the other strong and jealous seeking to prevent it. The one was to be finally expressed in the Cincinnati Southern Railway; the other was the Louisville and Nashville Railway. All others in Kentucky were merely hangers-on and satellites of these two.

## CHAPTER LV

### ECONOMIC PROGRESS DURING THE MIDDLE PERIOD

The material development of the state during the Middle Period<sup>1</sup> had its vicissitudes. Panics and money heresies played their retarding part. The manufacturing industry, so prominent in the state's mind in the early part of the century, was gradually giving way to the all-absorbing agricultural pursuits and the commerce consequent thereupon. Slavery, the hand-maid of the latter, militated against the former. In 1842 there were 197,738 people engaged in agricultural pursuits as compared to 23,217 in manufacturing and the trades. Three thousand four hundred and forty-eight were listed as busied in commercial pursuits.<sup>2</sup> The decline in manufacturing is strikingly shown by a comparison of the numbers engaged in 1820 with the numbers given above. At the former date, 110,779 were busied in the manufacturing industry as against 132,060 in agriculture. Internal improvements and the development of railways was of greater direct aid to agriculture than to manufactures, as the former products were more bulky and therefore could not reach market as readily over undeveloped highways as the smaller and more valuable manufactured articles.

The chief agricultural crops continued to be hemp and tobacco. According to a contemporary account, "both are raised in the greatest perfection."<sup>3</sup> In 1840 Kentucky stood first in the production of hemp and second in tobacco. Another crop not so valuable as these two, but a product in which the state stood first was wheat, and in maize, she stood second. Of these crops Timothy Flint said, "Her wheat is of the finest kind; and there is no part of the western country where maize is raised with greater ease and abundance."<sup>4</sup> Her foremost position as an agricultural state was further attested by the fact that she stood fourth in the production of rye, third in flax, and second in swine and mules. But by 1860, when the great Northwest had been opened up and was beginning to make itself felt in the agricultural world, Kentucky's position had undergone these important changes: She now stood ninth in the production of wheat, fifth in rye, fourth in swine, but successfully maintained her first place in hemp and second place in tobacco and mules.<sup>5</sup> The tobacco crop was the most valuable product of the state and was first in the interests of the people. A large part of the crop was exported to foreign countries, which brought about a persistent clamor to secure for it proper treatment in the markets of the world. The Legislature at numerous times argued that foreign countries were throttling the Kentucky tobacco trade by high tariffs, and called upon Congress to pass retaliatory legislation.<sup>6</sup> Various other minor agricultural products were grown.

<sup>1</sup> This term is used to indicate roughly the period from the War of 1812 to the Civil War.

<sup>2</sup> *American Almanac*, 1842, p. 239.

<sup>3</sup> Flint, *History and Geography of the Mississippi Valley*, I, 355.

<sup>4</sup> Flint, *History and Geography of the Mississippi Valley*, I, 354.

<sup>5</sup> Shaler, *History of Kentucky*, 423.

<sup>6</sup> For examples, *Acts of Kentucky*, 1836, pp. 356, 357; *Ibid.*, 1841, pp. 303, 304; *Ibid.*, 1855, pp. 131, 132; and *Ibid.*, 1859, pp. 182, 183.

The most wealthy part of the state was the central region referred to everywhere as the Blue Grass. With the full development of the great fleet of steamboats on the Ohio and Mississippi rivers, the Blue Grass region was left to the side of the great arteries of commerce. True it was that the Kentucky River still remained a valuable outlet, but it could not be otherwise than subsidiary to the larger lines. As the carrying trade came to get a firmer grip on the prosperity and economic development of the West, the great cities grew up on the Ohio and Mississippi rivers. Lexington was forced into a dignified, social, literary, and political center, while Louisville took up the frenzied chase after commerce and industrial prosperity. By 1860 Lexington, which in 1810 had more than three times as many people as Louisville, was by 1860, herself outstripped by the Falls City by more than seven to one. The attention of the gentry throughout the Blue Grass soon became strongly fixed on live stock; first because, they had an inherent love for fine horses and horse racing, and secondly because horses, cattle and mules could walk to market. Their appreciation of and desire for fine and spirited horses was perhaps unequalled throughout the country. A traveller said, "A handsome horse is the highest pride of a Kentuckian, and common farmers own from ten to fifty."<sup>7</sup> Fine cattle were no less an object of pride. Trips were made to Europe to select the best breeds. In 1839 a Kentuckian purchased in England two bulls at \$1,000 each "and some splendid cows that cost in proportion." He bought twenty-two on this trip.<sup>8</sup> Cattle shows soon grew up and became an institution in the social and economic life of the people. A foreign traveller in the state during the '30s attended live stock shows and sales around Lexington, and was struck with the size of the animals and the high prices they brought. He noted jacks selling for \$5,000 and cattle for over \$1,000. He also said, "Mr. Clay, who resides near Lexington, is one of the best breeders in the State, which is much indebted to him for the fine stock which he has imported from England."<sup>9</sup>

The so-called cattle shows were really the precursor of the fair and the contemporary of the first agricultural associations. These shows, in which horses and cattle were displayed, seem to have made their appearance in Lexington before 1800; and by 1820 they were a recognized institution.<sup>10</sup> They early grew to be much more than live stock shows; in fact before 1820 they were in reality fairs although they were generally referred to as "shows." In 1819 such a "show" was held in Lexington in which the committee in charge not only asked that all kinds of live stock be entered, but also solicited "the manufactures of domestic goods, of all the various kinds fabricated in the country, particularly in private families, to exhibit specimens of their productions, including all the various fabrics of woolen, cotton and flax goods, and also cheese." It was also careful to add that "the distillers are expected, as heretofore, to bring forward samples of their best whiskey."<sup>11</sup> Local agricultural societies had sprung up before 1800, as the one in Mercer County already noted, which attempted to better agricultural conditions by examining into the various problems that confronted farmers. As the state developed and the interests of the people widened and especially when manufacturers began to engage more atten-

<sup>7</sup> Flint, *History and Geography of the Mississippi Valley*, I, 355.

<sup>8</sup> Letter from Nelson Dudley to Mrs. P. Smith written from Liverpool, April 17, 1839. This letter was kindly loaned to the author by Mrs. Calames of Lexington. Dudley found difficulty in shipping his cattle to America for although the vessels were numerous "the immigrants are so great at this time that the captains of Ships refuse to take cattle."

<sup>9</sup> Capt. Marryat, *A Diary in America with Remarks on Its Institutions* (Philadelphia, 1839), II, 17-20.

<sup>10</sup> Collins, *History of Kentucky*, I, 518; Ranck, *History of Lexington*, 270, 271.

<sup>11</sup> *Kentucky Gazette*, May 7, 1819.

tion both in the home and in the factory, these associations were broadened in their scope. They now became known generally as "Agricultural and Mechanical Associations." Some of them embraced only one county as the Fayette County Agricultural and Mechanical Association and the Bourbon County Agricultural and Mechanical Association, while others were composed of a number of counties or a section of the state as the Union Agricultural and Mechanical Association composed of Shelby, Oldham, and Henry counties and the Southwestern Agricultural and Mechanical Association with headquarters at Louisville.

The first agricultural society designed for the state at large was organized in Lexington in 1818 with Isaac Shelby as the first president.<sup>12</sup> In 1838 the field was taken by the Kentucky State Agricultural Society which immediately developed into an effective instrument in the hands of the farmers. It did more than promote fairs and read papers on the better methods of agriculture. It sought in a most enlightened way to secure the direct aid of the state government in behalf of the farmers. In its meeting in Frankfort on January 10, 1842, it formulated a wide program of activities. After discussing such subjects as crop rotation, hemp production, sheep raising, and the "cultivation of roots as field crops," it recommended to the Legislature the establishment of an agricultural school, and the institution of a geological survey for the state. It suggested the more intensive discussion and investigation of agricultural needs and conditions by the different agricultural societies holding monthly meetings for the purpose and it recommended that each one of them build up a library on agricultural subjects. It offered monetary prizes for essays on various subjects. Among the topics suggested for essays to be submitted at the next meeting were these: \$30 for the best essay on the importance of science to agriculture; \$20, on the relations of home manufactures to agricultural interests; \$10, on "mixed husbandry;" and \$10 each, on the best way to produce all the clover seed needed by the state, raising buckwheat, and the dairy business.<sup>13</sup> Some of the county organizations needed little enthusiasm or suggestions from the state organization: in 1839 the Franklin County Agricultural Society resolved that the state should aid agriculture directly as the farmers paid most of the taxes, and as European countries had recognized the principle and were helping agriculture. Their tangible suggestion was that the common schools should instruct the children in agricultural subjects and that college professorships should be established in agriculture.<sup>14</sup>

The agricultural associations functioning through fairs aroused much interest in the subjects encouraged. The state government first suggested aid to agriculture through appropriating money to be offered as prizes at the fairs. In 1853 Governor Powell called the attention of the Legislature to the advisability of appropriating a few thousand dollars to be used in this way.<sup>15</sup> The State Department of Agriculture was ultimately evolved out of granting aid to the state agricultural association. Prizes were offered for excellency in almost every line of endeavor. The Bourbon County Association in 1847 offered a premium for the highest amount of merchantable hemp from one acre; and

<sup>12</sup> Collins, *History of Kentucky*, I, 518. According to Ranck, *History of Lexington*, 270, 271, the "Kentucky Agricultural Society" was founded in Lexington in 1814.

<sup>13</sup> *Frankfort Commonwealth*, Jan. 28, 1842.

<sup>14</sup> *Kentucky Gazette*, June 6, 1839. About the same time the Kentucky Agricultural Society advocated the organization of an agricultural school to be set up through a joint stock company with a capitalization of \$100,000. The state should be invited to subscribe one-fourth of it. The students should do a certain amount of practical work on the farm and in the shops and take up such subjects as mathematics, mechanics, modern languages, and belles-lettres. *Niles' Register*, Vol. 57, p. 288.

<sup>15</sup> *Kentucky Yeoman*, Jan. 6, 1854.



at the state fair in 1851, lasting over a period of five days, prizes were offered in a great variety of subjects. Manufactures of cotton, wool, and silk; cabinet and carpenter work; products made of hemp, leather, and flax; hats; agricultural implements and useful contrivances and machines; products of the field, orchard, garden, flower-garden, and dairy; cattle, sheep, hogs, horses, asses, and mules—all commanded prizes. The rule was applied that all manufactured articles must have been made within the preceding two years.<sup>16</sup> These fairs tended to take on some of the characteristics of the fairs in Europe, which were designed principally for bringing buyer and seller together. The Fayette County Association took up the advisability in 1851 of setting aside a special lot near the fair grounds where trading might be expedited.<sup>17</sup>

Live stock constituted one of the most important items of export from the state. As has heretofore been noted, a constant stream of horses, mules, cattle, hogs, and sheep went through the Cumberland Gap for the South Atlantic States, amounting to more than a million dollars annually. In 1839 this business approached close to \$2,000,000, and it continued unabated on down to the Civil war.<sup>18</sup> But the Cumberland Gap was not the only exit. Great droves of cattle were driven across the mountains eastward into Virginia and Pennsylvania; while many saddle and carriage horses were taken down the Mississippi River on flat boats. Although none of Kentucky's live stock went northward, much of it came from that direction. Large droves of hogs were bought in Ohio and Indiana and taken to Kentucky to be fattened before being driven to the Southern markets.<sup>19</sup>

Live stock was pre-eminently the export of the Blue Grass region but it did not constitute the sole trade. The exports of Bourbon County in 1820 were made up of hogs, horses, mules, cattle, sheep, hemp, tobacco, whiskey, bacon, linseys, linens, and numerous other articles of lesser importance, amounting to almost a quarter of a million dollars. During this same time her imports were \$133,000.<sup>20</sup> A decade later the Blue Grass region as a whole was exporting products approaching \$3,000,000 in value, consisting of (besides the important item of live stock), hempen fabrics, tobacco, iron in pigs and bars, wool, ginseng, feathers, and other articles of lesser importance.<sup>21</sup> With the Lexington and Ohio Railroad in contemplation and the turnpikes building, great prosperity was predicted for this region, induced by the increased exports that must follow. According to an account of the day: "These roads will pass through nearly the middle of the richest portion of our state, possessing a soil of such exuberant fertility as to be capable, under improved cultivation, of trebling its present amount of products; which it will do whenever the completion of these works gives encouragement, by an easy, quick and cheap mode of transportation to market. They will also create new articles of trade, which, from their bulk and weight, will not bear transportation by the roads and means of conveyance now used."<sup>22</sup>

<sup>16</sup> A large folder announcement of this fair may be found in the *Breckinridge MSS.* (1851).

<sup>17</sup> *Breckinridge MSS.* (1851). October 10, 1851.

<sup>18</sup> In the panic year of 1841-42 the following stock went through the Gap; 2,765 horses, 2,247 mules, 2,406 beef cattle, 54,813 hogs, 718 sheep. *Frankfort Commonwealth*, March 15, 1842. See also *Niles' Register*, Vol. 21, p. 400; Vol. 23, p. 259; Vol. 30, p. 5; Vol. 35, p. 402; Collins, *History of Kentucky*, I, 43; Flint, *History and Geography of the Mississippi Valley*, I, 355; *Letters on the Conditions in Kentucky in 1825*, p. 73; F. J. Turner, "The Colonization of the West 1820-1830" in *American Historical Review*, XI, 322.

<sup>19</sup> *Letters on the Conditions in Kentucky in 1825*, p. 73; Flint, *History and Geography of the Mississippi Valley*, I, 355.

<sup>20</sup> *Niles' Register*, Vol. 21, p. 215.

<sup>21</sup> *Ibid.*, Vol. 40, p. 194.

<sup>22</sup> *Niles' Register*, Vol. 40, p. 194.

At this time the commerce of the state as a whole tended to divide into two directions with the Mississippi to New Orleans the greatest route. The Ohio up to Pittsburg was the other great highway used in reaching Eastern markets both for exports and imports. Besides hemp, wheat, tobacco, and live stock, "she sends off immense quantities of flour, lard, butter, cheese, pork, beef, Indian corn and meal, whiskey, cider, cider-royal, fruit, both fresh and dried, and various kinds of domestic manufactures." Steamboat tonnage on the Western rivers mounted higher with each succeeding year, until the peak point was reached just before the Civil war broke upon the country. Kentucky being centrally located played a commanding part in this immense business, both in the construction and ownership of steamboats and the traffic they carried. As early as 1821 preparations were made to establish a direct line of steamers from Louisville to Havana.<sup>23</sup> The southern drift of Kentucky's trade was much more easy and natural than its movement up the Ohio to Pittsburg. Only the more valuable and less bulky articles could compete by this route. The steamers that plied up and down the Mississippi and Ohio rivers from and to New Orleans carried all the bulky articles that the state imported or exported. The iron rails for Kentucky's early railroads came from England to New Orleans and thence up the rivers on steamers to Louisville.<sup>24</sup>

Louisville's strategic position at the falls of the Ohio, circumvented by the canal, in 1829, gave that city a commanding position in the whole Ohio Valley, and rapidly made her the chief city of the state. Kentucky was really developing into a one-city state, with many smaller struggling towns but none able to successfully compete with the colossus. In 1860, Louisville had grown to the point where her inhabitants were virtually equal to the remainder of the urban population throughout the state in towns of more than a thousand souls. The growth of the city was immediate on the coming of the steamboat. In the decade between 1820 and 1830 it more than doubled its population. "Manufactures are taking root there;" it was reported, "and the happy effects of them will be extended over the whole neighborhood."<sup>25</sup> Its river commerce grew with amazing rapidity. In the early '30s it was no uncommon sight to see dozens of steamers loading and unloading. On one day in 1833, thirty-five steamboats were counted at the docks "all briskly *being* laden or unladen."<sup>26</sup> The commercial business of the city during the year 1835 amounted to nearly \$25,000,000.<sup>27</sup> The prosperity and growth of the city was not based entirely on the carrying trade. Manufactures were growing rapidly. In 1842 more than 2,500 tons of hemp were manufactured.<sup>28</sup> Flint in the early '30s described Louisville as being "in a commercial point of view, \* \* \* far the most important town in the state. The main street is nearly a mile in length, and is as noble, as compact, and has as much the air of a maritime town, as any street in the western country."<sup>29</sup>

As heretofore mentioned, Lexington had for various reasons been left far behind by Louisville. Although surpassed in wealth and population, she could never be robbed of her commanding and dignified position as the social and intellectual center of the state. Lexington was by no means stagnant or going backward, neither had she lost her driving power. In 1831 it was described as being "in a state of rapid improve-

<sup>23</sup> *Ibid.*, Vol. 20, p. 63.

<sup>24</sup> Alfred Pirtle, "Some Early Engineers and Architects in Kentucky" in *Register of the Kentucky State Historical Society*, Vol. 12, No. 36, p. 41.

<sup>25</sup> *Niles' Register*, Vol. 37, p. 181.

<sup>26</sup> *Niles' Register*, Vol. 44, pp. 235, 342.

<sup>27</sup> *Niles' Register*, Vol. 49, p. 361. Exactly \$24,837,000.

<sup>28</sup> *Ibid.*, Vol. 63, p. 228.

<sup>29</sup> Flint, *History and Geography of the Mississippi Valley*, I, 358.

ment—new buildings to the value of \$100,000, will be erected in the present season, and many old ones are undergoing extensive repairs.” It was at this time that she began to macadamize her streets.<sup>80</sup> She still had important manufactures, chiefly cotton bagging and various kinds of cordage. The output of the farmer in 1830 was 1,000,000 yards, and of the latter, 2,000,000 pounds. There were three factories for spinning and weaving wool and a half dozen for cotton, while there was one large machine-making factory and other smaller ones. Lexington feeling her position as a manufacturing city slipping away from herself laid the cause partially to the lack of patriotism of her merchants in importing articles made within the city. A meeting was



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held in the court house in 1839 in which it was resolved that “the importation of manufactured articles into the city of Lexington [was] highly detrimental to the best interests of the working classes.” They called upon the Legislature for aid.<sup>81</sup>

But the characteristics of Lexington were not those of a commercial city, as a visitor in the '30s readily observed: “The town buildings in general, are handsome, and some are magnificent. Few towns in the west, or elsewhere, are more delightfully situated. Its environs have a singular softness and amenity of landscape, and the town wears an air of neatness, opulence, and repose, indicating leisure and studiousness, rather than the bustle of business and commerce. It is situated in the center of a proverbially rich and beautiful country. The frequency of

<sup>80</sup> *Niles' Register*, Vol. 40, p. 344.

<sup>81</sup> *Kentucky Gazette*, Dec. 19, 1839.

handsome villas and ornamental rural mansions, impart [sic] the impression of vicinity to an opulent metropolis. \* \* \* The inhabitants are cheerful, intelligent, conversable, and noted for their hospitality to strangers. The professional men are noted for their attainments in their several walks, and many distinguished and eminent men have had their origin here. \* \* \* The people are addicted to giving parties; and the tone of society is fashionable and pleasant. Strangers, in general, are much pleased with a temporary sojourn in this city, which conveys high ideas of the refinement and taste of the country. There are now much larger towns in the west: but none presenting more beauty and intelligence. The stranger, on finding himself in the midst of its polished and interesting society, cannot but be carried back by the strong contrast, to the time when the principal hunters of Kentucky, reclining on their buffalo robes around their evening fires, canopied by the lofty trees and the stars, gave it the name it bears, by patriotic acclamation."<sup>32</sup>

Frankfort, though small, was the capital of the state and for that reason alone had many attractions and tended to develop respectability in architecture and manufacturing. There were here in 1830 three cotton bagging factories, one cotton factory, a rope walk, and other establishments of lesser consequence. In point of actual commercial importance during this period of steamboat supremacy, Maysville was second only to Louisville. This was due to the fact that it was the principal point for importations into the central and north-eastern portions of the state. Almost all the goods from Philadelphia and the other Eastern markets were landed here and distributed over the state. It also served as a point of exportation for much Kentucky productions. In 1834 the imports here were more than \$1,000,000 and exports over a half million. Its exports of hemp increased from 147 tons in 1827 to 449 tons in 1831.<sup>33</sup> There were numerous other towns which depended on different factors for their varying prosperity, such as Washington, Paris, Georgetown, Harrodsburg, Versailles, Covington, Newport, Cynthia and Russellville.

Apart from the gain that came from exchange and the profit from tilling the soil, there was much hidden wealth in the state whose outcroppings had been noted and delved in from the earliest settlements and expeditions. The more evident natural resources of the country had by the close observers been noted in connection with the fertility of the soil. Iron ore was noticed by the earliest settlers and its development was among the first uses to be made of the natural wealth of the country. Jacob Myers came to the Kentucky region in 1782, patented a large tract of land on Slate Creek, a branch of the Licking River, in what is now Bath County, and nine years later began the construction of a small furnace. The next year operations were begun and for almost a half century the business was continued. This was a most valuable development in the western wilderness; it supplied the settlers with pot and pans; it began supplying the United States navy in 1810 with cannon balls and grape shot; and it contributed its part to the defeat of the British at New Orleans in 1815. In 1798 a forge was built nearby to convert the pig into bar iron, and in 1810 another forge was built in the same region. In 1817 a furnace was built in Greenup County, and during the '20s the iron industry developed considerable proportions in this Northeastern Kentucky region, with five furnaces being set up in Greenup, Carter, and Boyd counties. During the next decade at least seven furnaces were built, and from then on to the Civil war the development was constant. Three were erected during the year 1833, which led Hezekiah Niles,

<sup>32</sup> Flint, *History of Geography of the Mississippi Valley*, I, 357.

<sup>33</sup> *Ibid.*, 359, 360; Niles' Register, Vol. 47, p. 373.

always interested in the material growth of the country, to say, "How much more pleasant it is to hear of such *creations of value*, than to be informed of the building up of paper money manufacturies."<sup>84</sup>

The iron industry had developed for the most part in the northeastern part of the state; but a few furnaces grew up in the western part of the state in Lyon, Edmondson, Muhlenburg, Trigg, and Caldwell counties. It was in the first-named county that the first "Bessemer" iron in the world was made, and that by the Kelleys two years before Bessemer had discovered the process in England.<sup>85</sup>

Coal was also early known here and its importance recognized. In 1805 the *Palladium* carried an advertisement by an enthusiastic speculator who had a large tract of land for sale on the upper reaches of the Kentucky River. The land would not only produce in great abundance virtually every crop that grew out of the ground but it was also underlaid with vast mineral wealth among which were a half dozen "valuable coal banks."<sup>86</sup> Coal did not however come into any considerable use until in the latter '40s, when it began to be brought down the Kentucky River. In 1848, the first boat-load came down this route to Claysville from where it was hauled by wagon to Cynthiana, there selling for 21 cents a bushel. This traffic grew with time, so that many Kentucky towns came to use this fuel before the Civil war.<sup>87</sup> The Western coal fields were tapped even before the regions of the Upper Kentucky River were developed. In 1825, the mining of coal was begun in Daviess County near Owensboro.<sup>88</sup>

The production of salt was among the earliest of pioneer industries. In 1778 Daniel Boone with a party of twenty-seven men while making salt at the Lower Blue Licks was captured by the Indians. Salt springs were so abundant in Kentucky and the output of salt so extensive that James Wilkinson engaged extensively in that trade together with his tobacco business as early as 1786. Kentucky salt bore a good reputation throughout the West and much of it was exported. Salt springs existed in western as well as the eastern parts of the state. Allen County developed salt works which by 1846 were making 300 bushels a week. Carter County in the East had salt wells that were operated by Simon Kenton when he first came to the region; while Clay County tended to become the center of good salt from 1800 on down to 1846 when there was being made here 200,000 bushels a year. In Southeastern Kentucky, Pike and Pulaski counties made much salt before the Civil war. Its manufacture was early encouraged by the state government. Such an act was passed in 1813, and shortly before areas of land had been given for ten cents the acre to encourage the building of salt work in Pulaski and Wayne counties.<sup>89</sup>

Oil in large quantities was produced as early as 1830. Workmen while boring for salt wells in Cumberland County were surprised on withdrawing their auger to find oil thrown up 12 to 14 feet beyond the mouth of the well. According to a contemporary account, "Although the quantity somewhat abated, after the discharge of the first few minutes, during which it was supposed to emit seventy-five gallons a minute, it still continued to flow in a stream, that made its way to the Cumberland, for a long distance covering the surface with its oily pellicle. It is so penetrating as to be difficult to confine it in any wooden vessel. It

<sup>84</sup> *Niles' Register*, Vol. 28, p. 259.

<sup>85</sup> J. M. Johnson, "The Iron Industry of Kentucky," in *Engineers and Architects Club of Louisville Papers and Reports*, 1911, pp. 16-28; *Hunt's Merchant Magazine*, Vol. 19 (1848), p. 229.

<sup>86</sup> Quoted in Collins, *History of Kentucky*, I, 407, 408.

<sup>87</sup> *Ibid.*, 58.

<sup>88</sup> *Ibid.*, II, 153.

<sup>89</sup> Collins, *History of Kentucky*, I, 24, 26, 27, 33; II, 34, 123, 141, 370, 656, 680, 684.

ignites freely, and produces a flame as brilliant as gas light, for which it might become a cheap and abundant substitute."<sup>40</sup> Another description of this development, after mentioning the flow of the oil upon the Cumberland River, continued, "If ignited, it would present a magnificent, if not an appalling, spectacle."<sup>41</sup> By the '50s the development of oil had reached such proportions that efforts were being made to secure markets for it. In 1857 the Breckinridge Coal Company offered the United States Lighthouse Board to supply its needs with 95,000 gallons for the next year. It offered this oil at a cheaper price than sperm oil and guaranteed "that it shall have excellent properties."<sup>42</sup>

The timber supplies of the eastern section of the state were little worked before the Civil war, although the importance of this wealth was recognized. In Central Kentucky and especially in the Blue Grass part, the large spreading trees scattered over the country were soon felled, and a timber shortage was being felt here as early as the '20s. "A Farmer" complained in 1822 of the practice of road-workers entering upon timber lands wherever convenient and cutting the trees for cross laying the roads and for other road purposes. He warned the people that timber was getting scarce and that it would take generations to renew it; the practice should be stopped.<sup>43</sup> It was only a step from the feeling of a timber shortage to a demand for timber conservation. A forward looking Kentuckian wrote to the *Kentucky Gazette* under the name of "Public Good" that, "The destruction of timber without any effort to reinstate it, is a neglect on the part of the farmers near Lexington which is altogether inexcusable. If the next generation should be as forgetful of its duty to posterity, there will not be a stick left to burn in the country."<sup>44</sup>

These more or less sporadic discoveries and developments of outcropping natural resources had all begun through private initiative alone, and without any exact knowledge of the location and amounts of the state's natural wealth. The lack of exact information on this subject was felt keenly by many people of the state, who believed that a valuable line of endeavor was being left undeveloped. The agricultural associations were particularly anxious that an inventory be taken of the natural wealth of the state; and it was to a large degree due to two of these associations, the Carlisle Agricultural Association and the Franklin Agricultural Society, that the first geological survey was made. Other states, such as Ohio, Maryland, and New York, were making surveys about this time; why not Kentucky?<sup>45</sup> In February, 1838, the Legislature provided for a preliminary geological survey, appropriating \$1,000 for the purpose. That the "mineral wealth and resources should be well understood, and be properly developed," it was stated was "important to the agricultural, manufacturing and commercial interests of the Commonwealth." "Some competent person" should be appointed "to prepare and report to the next General Assembly, a plan in detail for a geological and mineralogical survey."<sup>46</sup> W. W. Mather of the New York Geological Survey was appointed to make the reconnaissance. He spent the summer of 1838 in the work, making a survey of the whole state and publishing his findings in a *Report on the Geological Reconnaissance of Kentucky, made in 1838*.<sup>47</sup> This was merely a preliminary survey to a

<sup>40</sup> Flint, *History and Geography of the Mississippi Valley*, I, 354.

<sup>41</sup> *Niles' Register*, Vol. 36, p. 117.

<sup>42</sup> *Hunt's Merchants Magazine*, Vol. 36, p. 385.

<sup>43</sup> *Kentucky Gazette*, March 21, 1822.

<sup>44</sup> May 8, 1823.

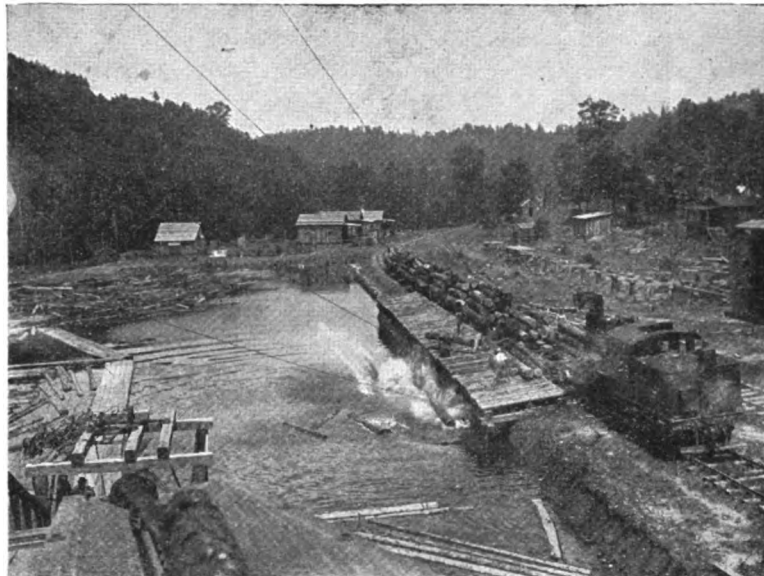
<sup>45</sup> Thos. B. Stevenson wrote Crittenden on the desirability of such a survey, December 8, 1837. *Crittenden MSS.*, Vol. 5, No. 969.

<sup>46</sup> *Acts of Kentucky*, 1837, p. 357. The resolution was approved February 16, 1838.

<sup>47</sup> Published in *Journals of Kentucky Senate*, 1839, Appendix, 253-292. See also Chapter of Dr. Miller in this work.



RAFTING LOGS IN KENTUCKY RIVER AT JACKSON



LOGGING SCENE NEAR CRESSMONT, LEE COUNTY

complete and searching survey, which it was expected would be made later. Mather gave an excellent summary of the state's natural wealth, noting the various areas of mineral wealth. He summed up the mineral wealth thus: "The mineral districts are grouped in different parts of the state, and varied in their character and aspect as in their products. Coal, iron ores, salt, saltpetre, limestone for common and hydraulic lime, sandstones for building, and firestone, limestone for building stones and marbles, clay for bricks and coarse pottery, shale for firestone, fire bricks and pottery, and pyrites for the manufacture of copperas, are among the most important mineral substances of economical interest.

"These substances occur in abundance within the limits of the state, but few of the locations, comparatively, are either known or appreciated by the mass of the people. In addition to these, are various valuable medicinal springs, petroleum or burning springs, and lead ore. Chalcedony, agate and amethyst, such as are extensively manufactured in Germany into small ornamental articles and precious stones, are common in some parts of the state. The mineral districts of Kentucky embrace in the aggregate almost the whole area of the state."

As suggestive as this report was of the great mineral wealth possessed by the state, which might be made more available by a more complete survey, nothing was done until 1854. A memorial of the Kentucky Historical Society signed by many men of importance was presented to the Legislature in 1847, but nothing came of it. By 1853 opinion was being aroused and frequently expressed through the various agricultural associations calling for a geological survey. In 1854 the first geological survey was provided for, with the appointment of David Dale Owen as state geologist. Now for the first time a detailed geological and geographical mapping of the state was carried out. Also a searching survey was made of all the various kinds of mineral wealth of the state, together with the geological formations. The findings of this survey were published in four good-sized volumes, which the Legislature distributed in considerable quantities.<sup>48</sup> The Civil war put a stop to further work in this field, and not until the enthusiastic re-awakening following the war, did Kentucky again take serious note of her natural resources.<sup>49</sup>

Wars, panics, and plagues punctuate the history of every people and rudely upset the even tenor of their way. Kentucky was not freed from any of these disturbing elements. Governors invariably called attention in their messages to the Legislature to the smiling days of prosperity or to the frowning times when these evils beset them. Governor Adair in his message to the Legislature in 1822 could not record only unmingled goods: "Amid the rich and numerous blessings with which providence has signalized our happy country, we have been not wholly exempted from some of its severest calamities. While peace, tranquility and order have reigned throughout the land; while the fruits of the earth have repaid the labors of the husbandman with a bounteous profusion, and every species of industry and skill have been liberally encouraged by the rewards of reviving commerce, while our people have witnessed with joy and thankfulness the masculine growth of their favorite institutions, and hailed, with sentiments of just and exalted pride, the glorious triumphs of that redeeming spirit, inspired by their own example, which, in distant regions of the world, impelled the votaries of republican freedom to plant their standard on the grave of departed despotism, the sudden incursions of sickness and death have cast an unexampled gloom over different portions of our healthful state. In common with her

<sup>48</sup> *Acts of Kentucky*, 1855, p. 143. A resolution of March 10, 1856, provided for the printing of 5,000 copies of the work available at that time.

<sup>49</sup> For a short account of the state geological surveys see W. R. Jillson, "A History of the Kentucky Geological Survey (1838-1921)" in *The Register of the Kentucky State Historical Society*, Vol. 19, No. 57, pp. 90-112.



sister states, Kentucky, during the short periods of the summer and autumn, experienced an unusual visitation of disease. When we look back on the suffering inflicted by the prevalence of a general malady and remember—who can forget it?—that we have been deprived of some of our most valuable and respected citizens, it is with hearts full of gratitude to a kind Providence that our minds are averted from the painful retrospect by the welcome and consolatory assurance that the evil has departed, and that returning health, with her long train of blessings, occupied again her accustomed abode!"<sup>50</sup>

But disease broke out again in the latter part of 1832 and growing into a malignant form by 1833 wrought unexampled havoc to human life. This was the dreaded Asiatic Cholera, which had already struck Europe. In a surprisingly short time the whole state was almost prostrated. Its nature was wholly unknown; it struck high and low; and it suddenly appeared in a community, spreading death on every side, and as suddenly ceased without any known cause. It was mysterious and frightful; people fled in terror before it and some were driven to insanity. Within a few months, there were 67 deaths in Maysville and sixty in Mason County. In Flemingsburg 47 whites and 19 blacks were stricken dead and in Elizaville and vicinity 21 died. In Fleming County whole families died in less than forty eight hours—two such families of 12 and 10 members each being buried in one common grave "without winding sheet or coffin." In Paris there were 73 deaths, Millersburg 78, Centerville 16, and numerous others throughout Bourbon County. Thirty-six died in Montgomery County, and 120 in Lancaster and the surrounding neighborhood. Throughout the state was the same tale of woe and destruction.<sup>51</sup>

People were completely demoralized; towns were deserted; and businesses abandoned. The Maysville *Eagle* in June, 1833, said, "Maysville, at this moment, presents a scene that finds a parallel no where in the annals of her previous history; nine-tenths of her population have left the city, and, of those who still linger within the vicinity, anxiety and dejection are pictured in every countenance, and each one looks as though the next hour was that allotted for his destruction."<sup>52</sup> Lexington received a fearful visitation. Within two months, more than 500 people died. A letter, written soon after the plague hit the town, said the scenes were enough "to strike terror to the strongest nerve; even the physicians wore such awful countenances, that it was enough to confound and terrify the weak and timid. Nearly all the physicians are completely prostrate, and many of them now in bed; surely there never has been such mortality in any place of the same number of inhabitants. \* \* \* There are not enough well persons left to take care of the convalescent and inter the dead. \* \* \* On yesterday and today, it has been impossible to get coffins or rough boxes made sufficiently soon to put them away."<sup>53</sup> So vivid an account of the course of the scourge in Lexington was given in a letter to the editor of the *National Gazette* on June 16, that it is here given in full: "On Sunday, the 2d instant, that awful scourge of God, broke out in Lexington, and its ravages have been dreadful and desolating, beyond example—not excepting even New Orleans. It is the opinion of the best informed, that not far short of 400 have fallen victims in about 14 days—and this too with a greatly reduced population. More than one-half, probably two-thirds, fled soon after its commencement. Not the intemperate, not the dissolute, not the wretched and poverty-stricken alone have fallen, but many of our best

<sup>50</sup> *Niles' Register*, Vol. 23, p. 170.

<sup>51</sup> Collins, *History of Kentucky*, I, 37, 38; *Niles' Register*, Vol. 43, pp. 132, 149, 171, 201; Vol. 44, pp. 233, 259, 281, 305, 321, 353.

<sup>52</sup> Quoted in *Niles' Register*, Vol. 44, p. 265.

<sup>53</sup> *Niles' Register*, Vol. 44, pp. 265, 266.

citizens—men of wealth, of character, of sobriety, of religion. No less than ten or twelve communicants in our church, and I presume a proportional number in all the rest. Many of our most worthy and respectable ladies also;—among them Mrs. Scott, relict of the late Governor Scott. Thus the pestilence has seemed to take a more elevated range than it has usually done in other places. It is true, that many of the lower classes have fallen. It has been very severe upon the blacks, especially upon those who were *free*. They had nobody to care for them, and money would not command attendants. But, after all, no more than upon others, in proportion to their numbers.

"The progress of the disease has been frightfully rapid. Many have gone to their beds *well*, and have been in their graves before the next noon. The panic has been dreadful, and the more so as it was wholly unexpected. All that could fly, fled. The city authorities disappeared—no hospital for the poor provided—no board of health formed—no medical reports made or required—and now, no mode of ascertaining our exact loss. We can only *guess* at it by the numbers of the *missing*. Stores have been shut—hotels and taverns shut—public houses, printing offices, &c. all shut; and, in short, nothing *open* but grave yards and their *premonitories*—apothecaries' shops. Even butchers and bakers suspended their functions, and country people ceased to supply our market. In short, the general cry seemed to be that of Napoleon's shattered troops, at the battle of Waterloo—'Sauve qui peut.' Our physicians are either dead or broken down. Dr. Dudley alone I believe has stood it through, and is still on the alert. Some others are trying to follow his example, *a la distance*. Dr. Cooke, a host in such a scene, has unfortunately been put *hors de combat*; by a fall. But, alas!—the most they have done is by way of *prevention*. The *real* cholera has been cured but in a few cases. They tell us, indeed, that it will yield to medicine, if taken in season. But this I understand, before the disease fairly sets in. They can cure or stop the premonitory symptoms; and, this, I think, is about the whole amount. If the disease be under the control of medicine, why, with some of the ablest physicians, as I believe, in the United States, have we lost 400 citizens? If the disease be, truly within the control of medicine, have not those physicians, who have devoted themselves, day and night, to the sick, an awful responsibility resting on them *unredeemed*? But I have no doubt that all was done that was possible, in a state of society so completely disorganized. The general suffering has been great, and individual suffering beyond description. No paper has been printed, or handbill issued, because there was nobody to do it. All was consternation and dismay. Some, who fled, were soon brought back on the bier—others were buried in the country. Graves could not be dug, nor coffins made, so fast as they were wanted. A number of coffins, or boxes, were sometimes put in one hole. Ten or a dozen bodies have been left in the grave yard, unburied until their turn came the next day. When we retired, at night, we could not expect, and hardly dared to hope, to meet again *well*. Such, sir, has been the cholera in Lexington.

"I said our city authorities had disappeared. This is true of them as a body. The mayor and Colonel Combs have been active. But individuals have generally, and I may add, with a godlike zeal, devoted themselves to *doing good*, and to the mitigation of suffering. First and foremost, on this list, is Bishop Smith, of the Episcopal Church, who, in body, is but the skeleton of a man, but in heart and soul, a *giant* in every good word and work. His whole time, day and night, rain and shine, has been devoted to the consolation of the dying, or the funeral services of the dead. From early dawn to midnight he has been constantly on his feet, or on his knees; and to me, it seems a miracle, that he is still on duty, as bright as ever! What *other* clergymen here have done—I have not heard. David Sayre, too, has devoted himself, body and soul,

and purse, to the alleviation of misery, and deserves from the friends of humanity a brighter meed than ever graced the brows of a monarch. Many others have followed his example. Several gentlemen too in the country have contributed generously to our relief, by sending in and distributing, gratuitously, beef and other necessities. Among these I need not name the patriot farmer of Ashland.

"But we trust, that the agony is nearly over. The cloud of pestilence, which has so long brooded over our city and burst upon it with all its fury, is beginning to recede. Only 10 or 12 deaths last night, and but few new cases. The weather is now fine, and we cannot but hope, that Providence, in his infinite mercy, will say to the torrent of desolation which has been deluging our city—*thus far and no farther*. But Lexington has received a shock; from which it cannot speedily recover."<sup>54</sup>

The spirit of the whole state seemed to be subdued during these pestilential times. On July 24, Governor Metcalfe set apart a day of humiliation and prayer, to be observed on August 19, by the people assembling in their churches to pray for the arrest of the dreaded scourge.<sup>55</sup> In much less violent forms cholera visited the state in 1849, and lingered in one community or another up until the Civil war.<sup>56</sup> The economic loss to the state through deaths and the lower morale of the people for a time played almost as much havoc with prosperity as a panic would have done.

The parts played by panics have largely appeared already, whereas the only armed conflict, the Mexican war, was fought far from the borders of the state had little material effect upon it outside of the loss of life. Unsettled conditions during the period when the state was experimenting in banks and heretical relief methods marked a much more serious set-back to the material advancement to the state than the panic of 1837 or its echo of 1842. In 1854 and 1857 panic times were experienced in the nation, but Kentucky was far removed from the center of most aggravated disturbance. The crisis of 1854 was more severely felt here than the latter one. Notes of some of the banks at this time fell 50 cents on the dollar; but in 1857 the strength of Kentucky banks was more than equal to the emergency. While banks were failing in the surrounding states, the Kentucky banks steadily refused to suspend specie payment.<sup>57</sup> A reputation for financial soundness and strength had been established by Kentucky by this time, which was surpassed in no state and equalled by few. The finances of the state were good. In 1857 there was a balance of more than \$40,000 in the treasury.<sup>58</sup> From a material standpoint, Kentucky found herself in 1861 in as strong a position to bear the burdens of a war as any state in the erstwhile Union.

<sup>54</sup> Quoted *Ibid.*, 311. One of the altruistic spirits of Lexington during these pestilential times was a lowly person called King Solomon, who through his ministrations left a grateful remembrance among the Lexingtonians. Today his grave in the Lexington cemetery is marked by a large slab. See the beautiful story of James Lane Allen, "King Solomon of Kentucky."

<sup>55</sup> *Argus*, Aug. 8, 1833.

<sup>56</sup> Collins, *History of Kentucky*, I, 59, 60, 62, 65, 72, 73, 75.

<sup>57</sup> *Lexington Observer and Reporter*, Dec. 9, 1857; Duke, *History of the Bank of Kentucky*, 106; Collins, *History of Kentucky*, I, 78.

<sup>58</sup> *Lexington Observer and Reporter*, Dec. 9, 1857. The finances of the state were generally in a good condition after the banking heresies had been outgrown, and after extravagant expenditures on internal improvements had ceased. In 1842, there was a balance of over \$60,000 on hand. *Niles' Register*, Vol. 63, p. 340.

## CHAPTER LVI

### EDUCATIONAL ADVANCEMENT DURING THE MIDDLE PERIOD

Despite the fact that the early statesmen of Kentucky had taken little interest in education, not even enough to mention it in the first two constitutions, still before the state had progressed far, schools of all grades were making their appearance. Transylvania early grew into a college, while academies were springing up on all sides. And the elementary or "old field" schools were administering in a precarious way to the wants of the people. But ideas of education were based on the supposition that it should be diffused downward from college to the masses rather than from the masses up to the college. The result was that soon the system became top-heavy with all the interest and endowments going to the upper branches of education while the elementary schools were left unprovided for through any state action. The academies which had been aided in the several counties by grants from the state of 6,000 or 12,000 acres of land grew up in great profusion during the first two decades of the nineteenth century, only to die down with equally as much speed and certainty. This decadence had begun shortly after the War of 1812, and by the outbreak of the Civil war, only one of the state-endowed academies was left.

The causes of the downfall of the academies were various. Their rise had been too easy; the state had granted land freely to persons who failed to realize the responsibilities they should assume, and other indulgences were granted, such as freedom of taxation by the state of academy property. The growth of these schools was unnatural and artificial, largely induced by the misplaced munificence of the state rather than by the cooperation and demand of the people at large. They were too far advanced for a people who were yet unprovided with the first rung in the educational ladder—the elementary or common school. The endowments of the state were sufficient only to attract the establishment of the academy without providing a fund for supporting the school after it was set going. When the state allowed the lands to be sold, many of the schools parted hastily with their properties, with little returns. The self-perpetuating board of trustees was so little restrained by the state, and some of these boards wasted their lands in foolish speculative projects. The law allowing the academies to part with all of their lands was passed in 1815, at the time when banks were attracting more attention than schools, with the proviso that the proceeds should be invested in stocks of the Bank of Kentucky, and with the result that whatever benefit came of this would, it was secretly hoped, accrue to the bank rather than to the academies.<sup>1</sup> Governor Slaughter, in his message to the Legislature in 1816, referring to the academies, said that the aid granted by the state had been "productive of some good, but the fund has proved inadequate to meet the enlightened and liberal views of the Legislature."<sup>2</sup> Four years later Governor Adair called attention in a similar way to the same situation: "Former legislatures have, perhaps

<sup>1</sup> Lewis, *History of Higher Education in Kentucky*, 26-28.

<sup>2</sup> *Niles' Register*, Vol. 11, p. 392.

wisely, made considerable donations of land to the several counties, for the purpose of establishing primary schools or seminaries of learning, but little benefit has yet been produced to the community at large from these donations. Whether this failure has arisen from a too great diffusion of the means, or from a too great difficulty of procuring teachers, well qualified to take charge of these schools, or from both causes, is not now material to enquire."<sup>3</sup> Humphrey Marshall chronicled the demise of the Frankfort Academy thus: "But, being afflicted with the county disease—multiplicity and bad government—it has languished and revived alternately in the building erected for it, until it has neither acting trustee, teacher, nor student, as it is believed."<sup>4</sup>

But the old academies were not without their lasting good; they started on the road toward fame, local and national, many Kentucky boys who became lawyers, doctors, statesmen, ministers, and other professional men. Many of the old academy buildings were afterwards used for school buildings in other systems that grew up, and some of the important colleges had their beginnings in these old academies.

Transylvania early came under an unfortunate admixture of control by the state and a religious denomination, which early showed its blighting effect, and which continued through an alliance with almost every important denomination in the state, until the present generation, when they finally separated. This joint control, arousing as it did bitter religious prejudices and hostility, was largely responsible for the failure of this college to fulfill its early promise of becoming and remaining the greatest institution of learning west of the Alleghanies. Under the presidency of Dr. Horace Holley, from 1818 to 1827, it had a golden era. The state had now come to take a closer interest in it, and by a reorganization of the board of trustees it had assumed virtually complete control. Governor Slaughter had in 1817, in a very enlightened message to the Legislature, advocated a liberal policy of support. He said: "Colleges, or universities, upon a large scale require considerable funds, and cannot be numerous. The Transylvania University, which had its origin in the liberality of our parent state, will soon, it is believed, hold an eminent rank among the institutions of learning in the United States. I am not informed whether its funds are adequate or not, but think it would be wise in the Legislature to extend to this institution every aid necessary to place it on the most respectable footing. It is hoped and expected that this university, situated in one of the most healthful and delightful parts of the United States, will render it not only unnecessary for the youth of our own state to be sent to distant colleges, but invite the young men of other states to finish their education here. There are considerations in favor of a good system of education which strongly address themselves to our pride as a state. It should be remembered that Kentucky is the first member of the Federal Union that emerged from the western wilderness, and that she now holds a very high standing in the National Government. And shall it be said that she is unfriendly or even indifferent to learning? Let it rather be our boast that Kentucky is as famed for science and the arts as for the valor and patriotism of her citizens."<sup>5</sup>

This new regime began with a glowing announcement by Charles Wickliffe, the chairman of the board of trustees, of the session to begin in 1818.<sup>6</sup> The medical school, established during this period, advanced rapidly in numbers of students and in reputation. By 1826 it had grown to be the second largest in the country, with 282 students.<sup>7</sup> The law

<sup>3</sup> *Niles' Register*, Vol. 19, p. 171.

<sup>4</sup> Marshall, *History of Kentucky*, II, 336.

<sup>5</sup> *Niles' Register*, Vol. 13, p. 386. See also "Transylvania University," by W. H. Townsend, in this work.

<sup>6</sup> *Niles Register*, Vol. 15, pp. 132, 133.

<sup>7</sup> *Ibid.*, Vol. 29, p. 326.

school continued in its very remarkable career, having in its long history such names associated with it on its faculty as George Nicholas, Henry Clay, James Brown, John Pope, John Boyle, William T. Barry, Jesse Bledsoe, George Robertson, Thomas A. Marshall and Madison C. Johnson—virtually the leadership of the state. Transylvania University in 1825 granted 127 A. B., A. M., LL. D. and M. D. degrees.<sup>8</sup> Rafinesque lent additional lustre to the institution during this period.

But this phenomenal growth under the inspiring leadership of President Holley was not without its dangerous elements. This was an era when orthodox religion had been banished from the institution, when not one of the board of trustees "was a professor of religion," and when President Holley, especially, criticized before his classes many Biblical tenets dear to the people. The religious denominations of the state, led by the Presbyterians, began a war upon Holley which became hotter and more intense as time went on, and which ultimately caused his resignation. In 1826 he first offered his resignation, but was prevailed upon by the trustees to reconsider. He remained one year longer, leaving the institution and the state in 1827. He soon afterwards died in a storm at sea while on his way from New Orleans to New York.<sup>9</sup>

One of the immediate outcomes of Holley's regime was the withdrawal by the Presbyterians from any further support of Transylvania, and their attempts to secure a charter for a new college where they could fit their ministers for their duties, freed from the unholy influence of Holley. Their efforts in 1818 to secure a charter for a college at Danville were defeated through the influence of Transylvania, but the next year the fight was renewed. The Presbyterians would endow the new school with certain funds they possessed, and they expected the state to give \$30,000. To allay the opposition of other denominations and even enlist their support as far as possible, the plan allowed other denominations to fill professorships in the institution. This whole scheme aroused strong opposition and bitter denunciations against the Presbyterians. It was argued that this plan would lead to a religious aristocracy, with the Presbyterians dominating all other religious sects—it would, in fact, be an end to religious liberty and the separation of church and state.<sup>10</sup> The editor of the *Kentucky Gazette* said: "Upon liberal principles, too many academies cannot be incorporated, but surely no state ought to lend itself to the endowment of sectarian literary institutions."<sup>11</sup> In 1819 the Legislature chartered Centre College at Danville, but not under the control of the Presbyterian synod. The board of trustees was to be selected irrespective of religious belief, and "no religious doctrines peculiar to any one sect of Christians shall be inculcated by any professor in said college." As this was not according to the plans of the Presbyterians, they withheld their endowment from the college and refused to have anything to do with the institution. Center was now in fact a state school, being a successor to the properties of the old Danville Academy and receiving for two years one-third the profits of the Harrodsburg branch of the Bank of the Commonwealth. As the outlook of the school under this arrangement was not encourag-

<sup>8</sup> *Ibid.*, Vol. 28, p. 368.

<sup>9</sup> *Niles' Register*, Vol. 30, pp. 39, 366. The *New York Courier* said of him: "Our country lost a brilliant ornament in the late president of Transylvania University. He was a man of such varied accomplishments, of such strength and such gracefulness of intellect, of such physical as well as mental beauty, that he claimed alike the homage of the eye and heart. Everything connected with the history of such a man is of peculiar interest. To trace the life of a man of genius from the early dawn of his intellect, to examine the habits and associations which formed his character and gave impulse to his feelings, is a task fraught with instruction and delight." Quoted *Ibid.*, Vol. 35, p. 85.

<sup>10</sup> *Kentucky Gazette*, Jan. 1, 1819.

<sup>11</sup> Jan. 8, 1819.

ing, in 1824 the state handed the control of the school over to the Presbyterians.<sup>12</sup>

The other denominations, interested as they were in the religious turmoils of the times, set about founding colleges for themselves. Some of them grew out of the old academies; all were an expression of the rising denominational interest in education. The Roman Catholics set up St. Joseph College in 1819; the Methodists began Augusta College in 1822 as an academy, which came to be conducted as a college in 1827; the Cumberland Presbyterians founded Cumberland College in 1824; and the Baptists secured a charter for Georgetown College, which was founded in 1830.<sup>13</sup>

As heretofore intimated, the educational development of Kentucky had begun and long continued in an illogical, though, perhaps, a more practicable manner. Academies had been founded, flourished for a short day and had died down; and a burst of activity in founding colleges had characterized the decade of the '20s. But the solid foundation for all real educational advancement had been almost wholly ignored, except in words. Colleges were more easily established and kept going than a system of common schools scattered throughout the rural communities, and they appeared to be greater advertising ornaments for the state. Travelers were lulled into believing that Kentucky had nothing to desire in her educational facilities, because they saw in the towns of the state prosperous educational institutions, academies or colleges, and an enlightened view on educational matters. They failed to note that the rays of these lighthouses extended not far into the country, where the people scarcely knew the meaning of a school. A traveler during the '20s paid these glowing tributes to Kentucky, which were true for the towns alone: "The zeal for the advancement of Literature \* \* \* is observable amongst the citizens in every village, every county, and in every neighborhood; here there are schools established and conducted by competent teachers, whenever necessity or convenience renders them desirable."<sup>14</sup> With the exception of common schools, this further observation of the traveler was correct: "There is, probably, no state in the Union, considering its infancy and finances, who has done so much to patronize Literary and Benevolent Institutions, as the State of Kentucky."<sup>15</sup>

The difficulty as well as the great desirability of educating the masses of the people was recognized early and became a theme of every governor's message, from Slaughter on down to the Civil war. In 1816 Governor Slaughter said: "I presume you will agree with me that nothing in this government, whose firmest rock is public sentiment, is more worthy of your attention than the promotion of education, not only by endowing colleges or universities upon a liberal plan, but by diffusing through the country seminaries and schools for the education of all classes of the community; making them free to all poor children and the children of poor persons." He saw in the education of the masses the surest foundations of a republican government: "Knowledge and virtue are everywhere the surest basis of public happiness; the strongest barriers against oppression; a powerful check to mal-administration, by rendering it necessary for those in power to secure not the blind, but the enlightened confidence of the people. Every child born in the state should be considered a child of the republic, and educated at the public expense, where the parents are unable to do it. Such a system will not only improve the minds and morals of our youths, and

<sup>12</sup> Lewis, *History of Higher Education in Kentucky*, 110-114.

<sup>13</sup> *American Almanac*, 1834, pp. 238-242; Lewis, *History of Higher Education in Kentucky*, 14, 15.

<sup>14</sup> *Letters on the Conditions of Kentucky in 1825*, p. 39.

<sup>15</sup> *Ibid.*, 38.

thereby render our free institutions more enduring, but, by thus diffusing the benefits of government throughout the body politic, it will be strengthened in the affections of the people." Such sentiments were enlightened and forward-looking, but worthless if they should lead nowhere. Realizing this, Slaughter advanced a plan for financing this wider diffusion of education: he would build up a fund by using forfeited and escheated lands, and levying a tax on "banks and such other corporations as from their nature are proper subjects of taxation, and such parts of the dividends on the bank stocks of the state as can be spared without materially increasing the public burdens."<sup>16</sup>

The following year Governor Slaughter became even more specific in his plans for common schools. He recommended the arrangement and adoption of "a plan extensive, diffusive, and convenient to every portion of the community." He would have all the settled parts of the state divided into school districts varying from five to six miles square, with a school in each one "free to all poor children, and to be supported, if not entirely, in part, at the public expense. We have many good schools, but nothing short of carrying education to the neighborhood of every man in the state can satisfy the just claims of the people or fulfill the duty of the government." A great potential asset of the state, he believed, was being neglected; genius and future greatness depended not upon riches if given the chance that was due them. Such schools would "develop the mental riches of the commonwealth. The experience of the world has proved that genius is not confined to any particular order of men; but Providence, in bestowing her choicest gift, intelligence, as if to mortify the pride and vanity of those who from their birth and fortune would exalt themselves above their fellow men, delights to raise up the brightest ornaments of humanity from the most obscure and humble conditions of life. To instruct and improve the rising generation is among the first duties of every American statesman. The American people, in establishing their independence and republican form of government, have done much; but much more remains to be done. These states are but recently transplanted from the nursery of freedom and, although in a thriving and promising condition, they have not acquired such maturity and strength as no longer to need the care and skill of the political husbandman. To give success to this experiment of freedom, the youth of our country should be qualified to understand and enjoy its blessings. In vain have our ancestors bled; in vain did they hazard everything on the issue of the revolutionary contest; in vain has our country been distinguished by the most sublime and elevated patriotism, if the inestimable boon which they achieved is to be lost by a neglect of the means necessary to its preservation and progress. While the utility and importance of education is generally admitted, yet, either because the beneficial effects appear remote or universal, the subject does not seem to excite that lively interest and zeal which are usually awakened by questions of a local or personal character. When we reflect that this government has no need of a standing army to sustain or enforce its authority, but for its efficiency essentially relies on the patriotism and intelligence of the great body of the people, how obvious is the necessity of providing a system of instruction calculated to improve the minds and moral habits of the rising generation."<sup>17</sup>

Others took up the cry for bringing the masses into an educational system. Amos Kendall carried on a campaign in the *Argus* in 1819 for common schools.<sup>18</sup> With his characteristic appeal to and dependence

<sup>16</sup> *Niles' Register*, Vol. 11, p. 392.

<sup>17</sup> *Niles' Register*, Vol. 13, 386-388.

<sup>18</sup> *Autobiography of Amos Kendall*, 225.



upon the common people, he raised the cry that the masses were being left out, while the state was liberally building up a university which meant nothing to the great majority of the people. "What is it to them," he said, "that our university and seminaries are liberally endowed? It only widens the distance between them and the more opulent citizens. It adds the aristocracy of learning to that of wealth, and increases the influence of the few over the minds of the many." Kentucky must have schools for the masses, and she could pay for them, even as many other states were doing. A real educational awakening in Kentucky would not "be equalled in true glory by the most splendid military achievement."<sup>19</sup>

Kendall and others who had sought to array the people against the university were met in their argument by Governor Adair, who, while admitting the masses should be educated, believed that it could best be accomplished through making a greater Transylvania, "the great head or fountain from which stream will flow to fertilize and improve the human mind in every section of the state." "By aiding our university," he said, "by putting it in its power to become useful in every department of science which it is prepared to teach, you will promote the real interest of the community at home, and give dignity and weight of character to the state abroad. Thus we may reasonably hope in a few years to see our primary schools furnished with well qualified teachers, raised and educated amongst ourselves, possessing the morals, manners and habits of our country. Such men, too, from their connections in the state, will have a weight of character to support, not always attached to itinerants."<sup>20</sup> He did not want to appear unfriendly to common schools, but he felt that the university was the best beginning. In 1821 he strongly advocated that Transylvania, which was now through recent legislation unsupported by the state, should be immediately given aid. Unaided by the state, it would soon cease to flourish and perhaps cease to exist. Annual appropriations ought to be made, "sufficient to supply the deficiency of its actual receipts to meet its ordinary expenditures." But at the same time he would have "a system of general and cheap instruction which, in its details, shall pervade every part of the community, and bring home the blessings of a substantial and business education to the poor of every family." Such a plan, he believed, was not beyond the means of the state. "It is due to the present age and to posterity that the attempt should be made."<sup>21</sup>

The Legislature was no less awake to the necessities of the situation. It appointed a committee, on which were William T. Barry and John Pope, among others, to investigate the school systems of other states and report one suitable for Kentucky. This committee immediately set to work and prepared for the next Legislature a report with recommendations for Kentucky. They would have the school system to be all-inclusive, from the university down to the common school, for the masses. The idea was not new; the common schools should prepare pupils for the academies and the academies for the university. All should be in a state system, supported by the state as far as possible and controlled by it. It would have less of the idea of poor schools, where children were singled out as poor children and thereby given a certain stigma which the proud spirits of many refused to bear by not going to school at all; and more emphasis should be placed on the education of all, as far as possible, through state appropriations and local taxation. A report from George Robertson was included, together with letters on the desirability of an educational system supported by the state, from John Adams, Thomas Jefferson, James Madison and Robert

<sup>19</sup> *Ibid.*, 249, quoting the *Argus* for September 13, 1821.

<sup>20</sup> *Niles' Register*, Vol. 19, pp. 170, 171.

<sup>21</sup> *Ibid.*, Vol. 21, pp. 187, 188.

Y. Hayne. It was further recommended that some official, such as the secretary of state, should be placed at the head of the schools and be known as the superintendent of schools.<sup>22</sup> The Legislature received this report with good intentions, but it never mustered up enough courage to carry it out, which was also true of the succeeding legislatures. However, it did a certain amount of good by having the report printed and distributed, and thereby attracting the attention and enlisting the interest of people widely over the state.

But good intentions and resolutions on the great value of education were not the only products of this period. Some substantial efforts were made, which resulted, however, in little lasting progress. The same Legislature which appointed the committee to report on a school system also set aside a "Literary Fund, for the establishment and the support of a system of general education." One-half of the net profits of the Bank of the Commonwealth were to be set aside and distributed in just proportions among the different counties. The higher institutions of learning, including Transylvania and Centre, were given percentages of the profits of certain branch banks. Within a few years the Literary Fund was yielding annually about \$60,000, but the schools received little benefit, as this fund was levied upon for almost every other purpose than schools.<sup>23</sup> Transylvania University received from the state during the period, 1821-1825, about \$20,000.<sup>24</sup> In almost every instance, schools were linked up with banks or internal improvements in such a way as to always be the lesser concern—in fact, schools were generally the tail to some kite. So-called school funds aided banks or roads primarily, and then, if the conditions of these other interests permitted, some of the money trickled through for schools.

Kentuckians realized keenly their backwardness in establishing a common school system, but they were prone to excuse it on the grounds that the Federal Government had aided all the other Western states by grants of land in setting up their schools. It was only natural then for them to ask why aid had not been given to themselves. In 1821 a committee of the Legislature was appointed to report on the question. Kentucky, it believed, had been slighted. "Why those appropriations should have stopped short of Kentucky, your committee are not able to see, especially when they take into consideration its situation in relation to the other states of the Union; the contest it has maintained in establishing itself, protecting at the same time the western borders of the old states, and extending the more northern and western settlements." Kentucky had long stood alone in the wilderness battling against the savages, "cut off from the succor and almost from the knowledge of her friends," protecting the Eastern states and giving timely aid to "those states and territories which now form the great national domain." Kentucky even should have rights in these lands not granted to other states on account of the role she has played; but the National Government could well make land appropriations for education general "without materially affecting the national revenue." She could not help believing that the magnanimity of her sister states of the West would make them unanimous in Congress for granting land in aid of education in the other states. The resolution was then offered, "that each of the United States has an equal right, in its just proportion, to participate in the benefit of the public lands, the common property of the Union." It was further resolved that the state's representa-

<sup>22</sup> Lewis, *History of Higher Education in Kentucky*, 330; Collins, *History of Kentucky*, I, 502, 503.

<sup>23</sup> McMaster, *History of the People of the United States*, V, 372; Lewis, *History of Higher Education in Kentucky*, 330; Collins, *History of Kentucky*, I, 30, 502; *Niles' Register*, Vol. 29, p. 229; Vol. 21, p. 303; Vol. 23, p. 181.

<sup>24</sup> *Niles' Register*, Vol. 29, p. 97.

tives in Congress should use their efforts "to procure the passage of a law to appropriate to the use of the State of Kentucky, for the purposes of education, such a part of the public lands of the United States as may be equitable and just."<sup>25</sup> Failing to secure the desired results, the state again, in 1829, sought to obtain public lands from the United States "for the purpose of diffusing Education by the establishment of some general system of Public Schools, in this State."<sup>26</sup>

Despite the apparent success of Governor Adair's drive for a public school system in 1821 and following, as seen in the thriving condition of Transylvania University, the state had really made no progress in solving the problem of educating the great body of Kentucky citizenry.<sup>27</sup> Instead, the feeling was growing stronger that the university was being built up as an aristocratic institution which could never help, but might, perhaps, harm the great body of the common people. In 1822 additional appropriations for Transylvania were defeated "on the plea that the institution was chiefly for the benefit of the rich."<sup>28</sup> Governor Desha declared open warfare against it in his message of 1825. This school, he declared, had been a favorite of the state, "and had drawn with a liberal hand upon the funds of the people. Yet it is believed that in its benefits it has not equalled the reasonable expectations of the public, and that for several years its expenditures have been extravagant in amount and lavished upon objects which were calculated to make the state but an inadequate return for her almost unbounded liberality. The university, its funds and all its resources and appendages, are public property, and it is the duty of the representatives of the people to make a rigid examination into all its appropriations and accounts." It was reported that the president was receiving a salary twice as large as any officer of the state government, wholly out of proportion to his services or to the resources of the institution, and that some of the professors were being paid with little less lavish extravagance. To make up for this carnival of expense, the tuition rates had been increased "to a very high rate, which, with the habits of profusion acquired in the society of a large town, effectually shut the door of the university to a large majority of the young men of Kentucky." As that institution "is now managed, it seems that the state has lavished her money for the benefit of the rich, to the exclusion of the poor, and that the only result is to add to the aristocracy of wealth the advantage of superior knowledge." If the institutions of freedom and democracy were to be handed down to posterity, knowledge of their meaning must be disseminated wider than one college or university could do it. Schools must be carried to the people, so thickly studded over the state that children could board

<sup>25</sup> *Niles' Register*, Vol. 21, p. 253; *American State Papers, Public Lands*, III, 503, 504.

<sup>26</sup> *Acts of Kentucky*, 1828, p. 192.

<sup>27</sup> In his message to the Legislature in 1822, he said: "The state university continues to flourish. Its recent growth is unrivaled; and the benefits it dispenses are diffused far beyond the limits of our own state. When we consider how large a sum of money it retains among us, which would otherwise be expended abroad in educating our youth in habits and opinions, not the most happily adapted to render them useful at home; and that it attracts from other states considerable amounts that could not in a different mode be obtained, this institution might well be estimated, by avarice itself, as worth all the care and expense it has cost. But when we regard it as a distinguished seat of science, affording all the means for the attainment of knowledge, which are common to any seminary of learning in the United States, the advantages of its rich and imperishable contributions to our moral strength and intellectual acquisitions, are not to be calculated by the standard of wealth, but of glory. We may be permitted to felicitate ourselves on the rapid and general dissemination of useful and liberal knowledge, through all classes of society, and to hail with sentiments of deep delight the auspicious era, at which Philosophy and the muses claim a residence in the wilderness of the west." *Niles' Register*, Vol. 23, p. 171.

<sup>28</sup> *Niles' Register*, Vol. 21, p. 304.

at their homes and wear such garments as the family manufactured. "On this plan, and this only, can the patronage of the Government be extended equally to all and the benefit of literature be diffused throughout the whole body politic, and a sufficient degree of popular intelligence be preserved in future generations to ensure the preservation of our free and liberal institutions. On this plan, too, all the great geniuses of the country will be brought out to public usefulness; whereas, by the present plan, the most energetic intellects remain bound in the chains of ignorance and borne down by poverty, whilst thousands of both public and private funds are lavished, in many instances, on those whose minds nature never formed for greatness." Locate the schools in the country away from the distracting and immoral influences to be found in the towns, and the student would develop habits of labor and study. Adair declared: "Every consideration, moral, political and religious, urges us to go earnestly to work to put into operation a system of common schools." The system was promulgated several years ago, and it seemed that the people everywhere were enthusiastic, but still no schools existed. He feared that traitors existed: "But there are some grounds for the suspicions of many that although some were sincere in the promotion of common schools, the project was published more as a feint to content the people with large appropriations of public money that were then made to Transylvania, than with any view to carry it into actual operation."

It was time that the people's money should be used for their own benefit. "They have felt themselves taxed to aid in educating and accomplishing the sons of the wealthy, and now there can be no difficulty in correcting the principle and adapting it to such a system as will require the wealthy to contribute something toward maintaining schools whose advantages all can share. I beseech you then to enter upon the work with earnestness and with a zeal which becomes the great cause of learning. In means there can be no difficulty, if you determine on the end."

Desha declared that he was not hostile to the university in its proper uses and, properly conducted, he believed it had a part in the educational system of the state, but it should not be allowed to rob the state of a system of common schools.<sup>29</sup>

The results of this rivalry between university and common school, which it was claimed existed and which was so bitterly discussed, was to greatly injure the former and to bring very little aid to the latter. In 1829 the Legislature called upon Rev. Alva Woods, president of Transylvania, and Benjamin O. Peers, another eminent educator, to communicate to it any suggestions or information that would be of value in devising a plan of common schools. They made a report, and in 1830 the state made another effort to give the people at large a system of schools. This law provided that the county court might lay off the county into districts of convenient size, that there should be three commissioners to manage the schools, and that the people of the county might vote not over 50 cents poll tax and 6½ cents on the \$100 for school purposes. This law threw the responsibility directly on the counties, both in organization and providing revenues. There was not the slightest chance of such a system succeeding at that time, for the people in general were not informed on the subject and their consciousness had not been aroused. Education would have to be first popularized, and even then it should be directed and managed centrally through the state, with state funds to assist it.<sup>30</sup>

Educational conditions, while being far from satisfactory in 1830,

<sup>29</sup> *Niles' Register*, Vol. 29, pp. 222, 223.

<sup>30</sup> Collins, *History of Kentucky*, I, 35; Lewis, *History of Higher Education in Kentucky*, 331-333; *Niles' Register*, Vol. 37, p. 400.

were not as bad as might have been inferred from the opportunities the people had. In this year 78 out of 83 counties reported school statistics. The total number of children reported between five and fifteen years was almost 140,000. Of these, 31,834 were reported to be in school, leaving 107,328 not in school. There were 1,131 schools reported, with expenditures of \$278,592. Had all the children been in school and the cost of their education been maintained on the average of those who were in school, the total expenditures for education would have been \$1,200,052. The number of schools to the county varied from nine in Morgan to 53 in Henry County. Russell County had 1 school; Laurel, 2; Harlan, 3; Knox, 4; Hickman, 5; Floyd, 6; Butler, 7; Grayson, 8; Anderson, 9, and a large number of others were in the class under 10. However, a majority of the counties had more than 10 schools. The average salary of the teachers was from \$100 to \$400 for the year, and the average size of the schools was from 20 to 40 pupils. The county with the worst attendance was Morgan, with 893 children of school age and not one in school; the best attendance was in Bourbon County, where almost one-half were in school.<sup>31</sup>

Until the idea of common schools was popularized, no system of education devised could succeed. Kentuckians were becoming increasingly conscious of this fact. The subject must be agitated and carried before the people in every manner possible. A report on education made to the Legislature in 1823 emphasized this necessity. It suggested that if a plan were adopted before the people were prepared for it, failure would result and conditions would be worse than if the attempt had never been made.<sup>32</sup> There had begun to develop a consciousness on the part of some of the more progressive teachers, seconded by some of the most intelligent leaders of the state, that teaching was a profession which was capable of organization and betterment thereby. The idea was also held that such organizations might be valuable aids in rousing the people on the subject of common schools. An ambitious undertaking calculated to be of tremendous importance to the state was the organization of the Kentucky Educational Society. A preliminary meeting was held in Frankfort on December 22, 1829, at which Charles S. Morehead, James Guthrie and Robert Wickliffe were the leading spirits, for the purpose of organizing a force for education in the state. The plan was to have a central society with branches ramifying out into every county, "whose object shall be to promote improvement and diffusion of popular education by the circulation of information, by enlisting the pulpit and the press, by procuring the delivery of popular addresses on the subject on the 4th day of July, and in different neighborhoods and by other means that may be found practicable." The permanent organization was made at a meeting on the 31st of December. John Breathitt was elected president, and Benjamin Mills, James Allen, Robert Taylor, John Bryan and William Owsley, vice presidents. Among the members of the board of managers elected were Robert Wickliffe, Joseph Ficklin, James Guthrie and James T. Morehead. A constitution was adopted embodying the purposes of the society and its organization. John J. Crittenden was invited to address the society at its annual meeting on the first Tuesday in January, and it was resolved that a speaker should be selected for every county in the state to deliver an oration on education on the following 4th of July.<sup>33</sup> This was, indeed, a splendid attempt on the part of the political leadership of the state to advance the education of the common people.

<sup>31</sup> *American Almanac*, 1834, pp. 236-238; Flint, *History and Geography of the Mississippi Valley*, 364-367. For an account of the public schools, see *Courier-Journal*, Jan. 2, 9, 16, 23, 30, 1881.

<sup>32</sup> Robertson, *Scrap Book*, 45-47.

<sup>33</sup> *Argus*, March 3, 1830.

Other evidence of a determined awakening of the people to the necessity of better educational conditions was a meeting of the teachers of Lexington in 1833 for the purpose of organizing a general convention of teachers, with one of the outstanding points in the program to seek the establishment of a normal school where teachers might be trained. Lyman Beecher was among those who addressed the meeting. He made a plea for better educational facilities, and called on the clergy, editors and legislators for help.<sup>34</sup> The following year another move against educational stagnation was made in the organization of the Kentucky Common School Society, with Governor John Breathitt president and Benjamin O. Peers, James T. Morehead, John C. Young, Henry B. Bascom, Thomas Marshall, Daniel Breck and seven others as vice presidents. Peers, who was now president of Transylvania University, was very active in the movement for common schools. During the previous year he had traveled widely over the state delivering addresses on popular education and arousing interest in the cause.<sup>35</sup>

Although nothing material seemed to develop, hope was not lost as long as there were people left to continue the agitation. In 1837 Robert Wickliffe delivered a vigorous address before the mayor and common council of Lexington arguing for an educational system as broad as the state. "Kentucky," he said, "proud as is her fame for chivalry and for arms, can never pluck the laurel of unmingled honor and renown so long as there is one single freeman on her soil that cannot read the constitution of his country and write his protest against oppression and misrule."<sup>36</sup> The state had been affording for a number of years past a considerable amount of agitation and enthusiasm, but little prospects of the money necessary to carry out a system of common schools were in sight. The United States had been asked for public lands, but without avail. But the question of the public lands and the disposition of the surplus revenues had been worrying the Federal authorities almost as much as Kentucky was agitated over having no money. In 1836 the Federal Government adopted the policy of distributing the surplus among the different states of the Union. This was hailed with delight by many Kentuckians as solving the problem of securing money for the educational system. Governor Clarke, in his message to the Legislature in December, 1836, suggested that Kentucky's share be used on her schools and that the very poor be helped by direct aid. "It is a great error to suppose," he said, "that money appropriated in this way is money lost or given to the few at the expense of the many, without any corresponding good from it. This opinion is the foundation of the common prejudice existing against any legislative action on the subject."<sup>37</sup>

Conditions were now ripe for inaugurating a general system of education, with strong hopes of it succeeding. Plans were aplenty, and it seemed that the money necessary was soon to be had. The part due Kentucky amounted to almost \$2,000,000, and of this \$1,000,000 was to be "set apart and forever dedicated to the founding and sustaining a general system of public instruction." Due to the failure of the Federal Government to complete the payments, the amount for education was later reduced to \$850,000. These funds were to be invested in the stocks of the Kentucky banks and only the interest to be used.<sup>38</sup> The

<sup>34</sup> *Argus*, Oct. 2, 1833.

<sup>35</sup> Collins, *History of Kentucky*, I, 38, 39.

<sup>36</sup> *A Plea for the Education of the People of Kentucky. An Address, delivered before the Mayor and Common Council of Lexington, on the 29th of July, 1837; the Anniversary of the Public School of that City* (Lexington, 1837), Pamphlet, 17 pp. Reviewed in *North American Review*, Vol. 49, pp. 262, 263.

<sup>37</sup> *Argus*, Dec. 7, 1836.

<sup>38</sup> *Crittenden MSS.*, Vol. 5, No. 914, J. M. Bullock, Secretary of State, to Crittenden, August 16, 1837; *Kentucky Gazette*, Dec. 6, 1838; Collins, *History of Kentucky*, I, 41.

new educational system was established in an act passed by the Legislature February 16, 1838. The school fund should be distributed among the different counties according to the number of children of school age; a board of education should be established, consisting of the secretary of state, the attorney-general, and a superintendent of schools, who should be chairman of the board; the counties were to be divided into school districts of from thirty to fifty children, five to sixteen years old; each district might tax its citizens for an amount equal to the fund received from the state; and five commissioners should be in charge of each county, to report the number of school children and to distribute the funds, with five trustees to be elected by each district, who should provide school houses and organize the schools.<sup>39</sup>

This was quite an advance over the system provided for in 1830. The local districts were given aid and at the same time made to bear a part of the expense. But the heart of the leaders of the state, regardless of former protestations, seemed not to be in education. It was soon evident that the state was to have no greater educational facilities, regardless of this new act and a fund of \$1,000,000, than had obtained previously, for the reason that the vicious habit had long been in working of levying on the educational fund whenever there should be a deficit in any other department. As early as 1840 the state treasurer refused to pay the interest on the school bonds, on account of a deficit in the treasury, and it was the amazing fact that up to 1843 only \$2,504 had been paid the schools, despite the fact that the interest at that time had accumulated to the amount of \$116,376.<sup>40</sup> Schools were now where they had always been—in a struggling condition or on the verge of dissolution. Some towns and counties sought in their own ways to build schools or advance them. In 1839 Paducah was allowed by the Legislature to hold a lottery to raise \$100,000 for the purpose of building two seminaries and providing them with libraries and school furnishings, and other towns were attempting to advance by the same methods.<sup>41</sup> Nicholas County was allowed to use certain lands to pay for the education of her poor children.<sup>42</sup>

The education of poor children was no closer to a solution than before, and, indeed, the facilities for those who were able to pay were generally not to be had. This was one of the fundamental mistakes of all the educational systems tried—as long as education was not free to all on an equality, the great mass of the common people could never be educated. In 1839 "Franklin," in the *Kentucky Gazette*, declared that any school system that did not take into account this fact would get hard knocks.<sup>43</sup> "Penn," writing to the same paper, suggested that the very poor, who were absolutely dependent upon the labor of their children, should be paid for the time the children spent in school.<sup>44</sup>

The superintendents of schools, who came and went in rather rapid succession, were men of vision who attempted to make a system work which, it seemed, was opposed by the controlling power of the Government. Joseph J. Bullock was the first superintendent, and he was followed successively before the Civil war by Hubbard H. Kavanaugh, Benjamin B. Smith, George W. Brush, Ryland T. Dillard, Robert J. Breckinridge, John D. Matthews and Robert Richardson—all being clergymen except the last. As before stated, little or no progress was being made. In 1840, conditions were relatively worse than ten years

<sup>39</sup> Lewis, *History of Higher Education in Kentucky*, 333, 334.

<sup>40</sup> Collins, *History of Kentucky*, I, 503.

<sup>41</sup> Collins, *History of Kentucky*, I, 44. For Frankfort, see *Crittenden MSS.*, Vol. 6, Nos. 984, 985. Letter from M. Brown to Crittenden, Jan. 24, 1838.

<sup>42</sup> Collins, *History of Kentucky*, I, 41.

<sup>43</sup> Dec. 26, 1839.

<sup>44</sup> *Kentucky Gazette*, Feb. 14, 1839.

before. There were only 32,920 children reported in school—scarcely over 1,000 more than were attending schools in 1830. But the school population had increased more than 40,000 over 1830. There were 42,000 persons over 20 years of age in the state who were unable to read. Some counties were still without a single school, while others ministered to the educational wants in a feeble way. In Floyd County, with 2,055 children of school age, and in Clay County, with 1,180, not one was in school, while Ohio and Knox counties had a little better record, with 25 out of 1,714 in school in the former and 46 out of 2,566 in the latter. The most progressive counties in education could not muster a half of their children in school.<sup>45</sup>

One superintendent after another made recommendations, but they fell upon deaf ears. In 1842 the superintendent recommended the "organization by law of a profession of teachers, analogous to the other learned professions; also the elevation of a number of common schools to the rank of academies, so that they may furnish a thorough English education, including the sciences connected with agriculture."<sup>46</sup> The Legislature, always profuse in good intentions expressed in resolutions, asked the superintendent to report on the expediency of carrying out the above recommendations as well as to offer suggestions on the evils in the educational system and the best method of eliminating them.<sup>47</sup> The superintendent in 1843 made numerous forward-looking suggestions and recommendations. He would have teachers' societies organized, to meet quarterly in each county, two normal schools established for training teachers, and libraries set up in the various school districts where books of "history, biography, travel, natural history, agriculture, mechanics" and such-like should be placed "to neutralize the effect of the light, ephemeral productions which are covering the country like the sere leaves in autumn." He believed an important source of teachers had been left undeveloped, namely, women. He said: "They have been generally employed in the Eastern States to teach the summer common schools, and their salaries have been generally about one-third less than the salaries of male teachers. But observation and experience both combine to prove the worth of female instruction, until she is now recognized not only as his equal, but in many instances his superior."<sup>48</sup> He also believed that the people generally were not sufficiently awake and informed along educational lines. To remedy this, he would have a gentleman of influence appointed in each judicial district to bring the people together and address them on the subject of common schools. In 1845 Superintendent Dillard recommended better school houses beautified within and without, better equipment, more beautiful school grounds and better sanitation.

There was no actual hostility of any consequence anywhere against common schools—the trouble was that the Legislature and others in authority were following the line of least resistance. While they believed that common schools were a good thing for the state, they did not believe it with sufficient strength to prevent them from sacrificing school funds for other activities they deemed of greater importance. The school fund had been raided so often and appropriated for other uses that the Government relieved itself of the necessity of paying back the debt in 1845 by cancelling all her obligations to that fund.<sup>49</sup> De-

<sup>45</sup> Collins, *History of Kentucky*, I, 45.

<sup>46</sup> Quoted in Irne T. Myers, "Report on the Archives of the State of Kentucky" in *Annual Report of the American Historical Association*, 1910, p. 360.

<sup>47</sup> *Acts of Kentucky*, 1841, p. 303.

<sup>48</sup> In 1824 the following toast was offered at a Lexington dinner: "Female education—The surest, if not the best, foundation of internal improvement." *Niles' Register*, Vol. 26, p. 227.

<sup>49</sup> Lewis, *History of Higher Education in Kentucky*, 334-336; Collins, *History of Kentucky*, I, 503.



spite such loud-speaking actions, Legislature and governor each succeeding year expressed the most tender considerations for common schools, speaking and resolving in favor of them. The situation would have been ludicrous had it not been so serious, but the time was not far distant when the cup of disgrace and hypocrisy would be filled to overflowing. Governor Owsley, in his message to the Legislature in 1847, said, in referring to the school situation: "This is a trite subject in our State, and from long hearing the words, the mind is apt to turn away with a sort of aversion at their mention. It has become almost a stereotype part of messages—a reference to the Common School system and a kindly recommendation of it to the good will of the Legislature. The charge has too often been politely received and acknowledged and then neglected." He declared the time had now arrived when Kentucky must have a real system of schools, or the state would justly stand disgraced.<sup>50</sup> The Legislature realized the woeful situation keenly, in language, but seemed not to consider the fact that it was in any way to blame. In thanking the outgoing superintendent in 1847, R. T. Dillard, it took occasion to refer to the school system as "deficient in its character, and imbecile for want of pecuniary means to carry it into practical operation."<sup>51</sup>

But the day of the school was at hand. In 1847 the common school system of Kentucky really began, when Robert J. Breckinridge was appointed superintendent. No cause ever had a more ardent champion. With his characteristic vigor, energy and earnestness, so strong as to verge on intolerance, powers which he had been constantly using for the past quarter of a century in disputations and causes of less consequence than this, he set out with one grim determination—to give the common people their much needed schools. He attacked the forces of reaction and ignorance wherever he found them. He carried on a campaign of speech-making over the state, and soon had the people aroused on the subject. When once he had set the leaven to working, crys came up from every quarter for him to appear and speak on education.<sup>52</sup> He carried his campaign into the legislative halls of the Capitol, when in 1848 he delivered a powerful address on education in the Hall of the House of Representatives. The Legislature ordered 5,000 copies of this address to be printed and distributed.<sup>53</sup>

He also set about restoring, building up and intrenching the school fund. In 1847 he whipped the Legislature into passing an act directing the governor to issue new bonds for all arrears of interest due the schools and also providing for submitting to the people the question of leaving an extra 2 cents on the \$100 for school purposes. So thoroughly had he aroused school sentiment over the state that the tax carried by a very substantial majority—the vote being 74,637 for and 37,826 against.<sup>54</sup> Rejoicing over the success of the proposition, Governor Crittenden said, "Let us exhibit to the nation the noble spectacle of Kentucky educated as she ought to be—her sons and daughters adding the grace and powers and virtues of cultured minds to their fine natural qualities, and those who have contributed to bring about the result will be entitled to the lasting gratitude of posterity."<sup>55</sup> The school fund was also increased in 1849 by the addition of the returns from the Green and Barren River projects, which the state "forever sets apart and dedicates."<sup>56</sup>

<sup>50</sup> *Kentucky Yeoman*, Dec. 31, 1846.

<sup>51</sup> *Acts of Kentucky*, 1846, p. 384. Dated March 1, 1847.

<sup>52</sup> Numerous appeals from various counties for Breckinridge to make educational addresses are preserved in the *Breckinridge MSS.* (1848).

<sup>53</sup> *Acts of Kentucky*, 1847, p. 485. Resolution dated March 1, 1848.

<sup>54</sup> *Kentucky Yeoman*, Oct. 5, 1848.

<sup>55</sup> *Niles' Register*, Vol. 75, p. 60.

<sup>56</sup> Collins, *History of Kentucky*, I, 58.

Breckinridge had successfully forced the restoration of the school fund and he had built it up by special taxes and otherwise; but what assurance did he or the people throughout the state have that the fund might not be mis-appropriated and destroyed again? It was his good fortune that the state constitutional convention had been called to meet at this time (fall of 1849); he would intrench the fund in the fundamental law of the land, which neither Legislature nor governor could change or disregard. The Legislature lent its good offices by resolving that the convention should incorporate the school system in the new constitution, and such members of the convention as Larkin J. Proctor, John D. Taylor, William K. Bowling, Ira Root, Thomas J. Hood, and Charles A. Wickliffe successfully carried the day for education. This instrument (Article XI) declared that the school fund should be "held inviolable for the purpose of sustaining a system of common schools."<sup>57</sup>

Although the victory seemed complete now, still a bitter fight between Breckinridge and Governor Helm in 1850-1851 over the school fund had to be settled before the absolute status of that fund could be settled. The trouble arose over the attempt of Breckinridge to have the interest on the school fund to be paid out of the Sinking Fund, for if it were not thus met at that time the state would have to levy additional taxes for the school money, and this, it was feared, would make schools unpopular. A bitter struggle ensued in which the Legislature was lined up against the governor, finally passing a bill instructing the commissioners of the Sinking Fund to pay the interest due on the school bonds. Helm vetoed the bill, but it was passed over his objections.<sup>58</sup> Alluding to this contest and to the fact that the constitutional convention had apparently settled the status of the school fund, the *Kentucky Yeoman* said, "We had seen fund after fund which had been set apart and solemnly dedicated to the noble object of educating the children of the State, afterwards squandered on some ephemeral object, until we almost despaired of seeing one of the wishes of our life accomplished."<sup>59</sup>

The new constitution made the superintendent of education elective, and in the first election of state officers under it, Breckinridge was chosen to carry on the work he had been so vigorously engaged in. In 1853 he resigned but not before having given his state a real system of schools. When he took up his duties in 1847 he found only 27 counties out of the total of 99 sufficiently alive in educational matters to make reports on the schools; he found only 20,602 children in school out of a total of 173,968 of school age; and he found only 174 school districts throughout the whole state.<sup>60</sup> When he resigned in 1853 he left schools in every one of the 101 counties (and all reported statistics that year); he had raised the attendance to 201,223 out of a total number of 220,645 children; and he had increased the number of school districts to 3,112.<sup>61</sup> When he entered office he found a so-called school fund of \$1,000,000 which yielded nothing for schools; when he retired he left a fund consisting of \$1,326,770 in state bonds, \$73,000 in stocks of the Bank of Kentucky, 2 cents tax on the \$100, and other smaller items—and he left the fund not at the mercy of every depart-

<sup>57</sup> Lewis, *History of Higher Education in Kentucky*, 335, 336; Collins, *History of Kentucky*, I, 504; *Niles' Register*, Vol. 75, p. 317.

<sup>58</sup> Collins, *History of Kentucky*, I, 504.

<sup>59</sup> April 25, 1851.

<sup>60</sup> These were the statistics reported; conditions were by no means as bad as these figures would seem to indicate. It should be remembered that although only 27 out of the 99 counties reported school statistics, there were many more counties that had schools in operation. The report for the preceding year offers some correction: 39 counties reported 27,845 children in school in 314 districts.

<sup>61</sup> Collins, *History of Kentucky*, I, 507, gives important school statistics from 1841 to 1873. The number given as attending school does not mean in school at one given time, but at any time throughout the year. The average attendance in 1853 was 72,010.

ment of the Government to levy upon to fill its deficit, but dedicated by the constitution of the state to schools. The combined revenues for schools from all sources amounted at this time to 60 cents yearly for every child.<sup>62</sup> This was a remarkable piece of work, hard to duplicate in the annals of any state. To Doctor Breckinridge, therefore, partly belongs the credit of establishing the common school system in Kentucky.

This high standard was not allowed to deteriorate by the succeeding superintendents until the Civil war virtually destroyed the system during the conflict. In 1855 the people by an overwhelming majority voted to increase the tax from 2 cents to 5 cents on the \$100 for educational purposes. The state had not lost hope of obtaining aid from the Federal Government evidenced by the attempt in 1854 to convince Congress to set aside a part of the national domain for Kentucky schools.<sup>63</sup>

The higher institutions of learning had a steady growth during this period. Transylvania University had its periods of brilliancy and of decline, a football for politics and religion. In 1856 it was re-organized again and made principally a school for teachers, a need which was being keenly felt by many in the state. Kentucky had grown weary of outsiders, and especially those from the North, doing her teaching. In explaining the purpose for establishing the Normal Schools the *Lexington Observer and Reporter* said, "We had grown weary of the constant importation of Yankee teachers who had sown the seeds of abolition broadcast throughout the borders of the state. We had become disgusted with the frequent instances of treachery and ingratitude upon the part of those imported teachers, who had been intrusted with the education of the young in our midst."<sup>64</sup> About this time the Kentucky Teachers' Association was founded as an aid in the movement to attract native teachers and to better the profession generally.<sup>65</sup>

After struggling along for more than half a century with few common schools but numerous plans for them, the state finally through the remarkable work of one man inaugurated a system of schools designed to give the state the position she deserved in the educational world. But one of the outstanding shames of the times was the miserable treatment of the most promising educational institution of the West—Transylvania University.

<sup>62</sup> Lewis, *History of Higher Education in Kentucky*, 336.

<sup>63</sup> *Acts of Kentucky*, 1853, pp. 192, 193.

<sup>64</sup> March 28, 1857.

<sup>65</sup> *Lexington Observer and Reporter*, Jan. 10, 1858.

## CHAPTER LVII

### SOCIAL AND INTELLECTUAL DEVELOPMENT DURING THE MIDDLE PERIOD

The social and intellectual development of the state stood out in various ways and was emphasized by frequent interesting incidents. As has already appeared in the discussion of educational affairs, many of her outstanding statesmen and politicians had other interests than elections and political problems. Their interests may not have been as persistent and compelling in these other things as in politics, but they nevertheless existed and played their part. But there was a leadership out of politics which was becoming powerful along different lines. Clergymen, men of science and letters, and newspaper editors were yielding a conspicuous influence. Then there was the great ground swell of progress emanating from the masses, natural as well as resultant from conscious leadership. But withal, the genius of the Kentuckians as a people was military and political more than along any other lines.

They were a practical people, nevertheless with a vision, who would attack a problem with more force and determination, when it was realized that a material benefit would result from the solution. Science should be encouraged and advanced but it should show that the efforts bestowed in its advancement should not be wasted on theory alone. So it was then that the public mind was early directed to a search for the cure of devastating diseases of both man and beast. Governor Adair in 1823 suggested that the medical faculty of Transylvania University should "by some means, organize themselves with the physicians throughout the state, so as to be able to collect the earliest possible information of the diseases that visit us under such incessant changes, and discovering the most successful means of encountering them, to diffuse the knowledge thus acquired as speedily as possible, and thereby render the science of the institution as universal and efficient as practicable."<sup>1</sup> When the worst visitation of the cholera came in the early '30s, a call was again made upon the medical profession to evolve a cure or admit that it knew little about the disease. A disease that visited the state at frequent intervals, and was especially malignant in the latter '20s was a malady popularly known as "milk sickness." This disease attacked cattle in the fall and spring, and often proved fatal. People drinking the milk from cattle so affected were also made sick and some died. It was reported that even the scavengers of the air which ate of the carcasses died. It was thought by some that the disease was caused by cattle eating some poisonous herb.<sup>2</sup> So much interest and alarm was aroused that the Legislature in 1828 offered \$500 for the discovery of the cause and cure of "milk sickness," if made within the following year, or one-half the amount of either. Two years later the reward was increased to \$600.<sup>3</sup> Another disease that ran a long course of destruction among hogs was hog cholera. It was bringing a serious

<sup>1</sup> *Niles' Register*, Vol. 25, p. 203. Message to the Legislature.

<sup>2</sup> *Argus*, Jan. 10, 1827.

<sup>3</sup> *Acts of Kentucky*, 1827, p. 238, 239; *Ibid.*, 1829, pp. 300, 301.

economic loss to the state, which aroused the Legislature in 1860 into offering \$1,000 to any person who should discover the true cause and cure of the disease.<sup>4</sup>

If interest in science was largely actuated through the desire for practical results, it was no less true that the interest of the people in their historic past was due to the fact that they believed it was glorious, and its records should be preserved. Governor Breathitt in 1834 regretted that many important documents relating to the state's history were not to be found, and some that did exist were only in manuscript. The frequent destruction of the state capitol by fire had carried with it many priceless records; it was now incumbent upon the state to save the rest. "Do we not owe it to ourselves and to posterity, to rescue from the oblivious hand of time important papers, in which all should feel an interest? It is a fact not generally known, that the people inhabiting the district of Kentucky had many meetings. Convention followed convention, for several years anterior to the separation from the state of Virginia. The journals of those conventions have never been printed, and perhaps but a single copy remains in the hands of a private gentleman. The journal of the convention of 1799, which formed our constitution, I find, also, in manuscript. We are proud of the name of Kentuckians. There is a laudable solicitude to know everything in respect to our history. Those 'pioneers of the west' were a bold, patriotic, enterprising, and liberal people. Let us, at least, perpetuate their public acts in some durable manner, and be able to furnish a complete history of the proceedings of the various public assemblies in connection with our government." He recommended to the Legislature the appointment of a committee to make an investigation and the printing "of such document as may be regarded necessary to a perpetuation of our political history as a state."<sup>5</sup>

The historical interest of the people was considerably aroused for a time. Humphrey Marshall, the first one to write a systematic history of the state, had finished his *History of Kentucky* in 1812 and had in 1824 brought out a second and enlarged edition. But having been either a spectator of or participant in most of the events he dealt with, and being a man of violent likes and dislikes, he too often forgot the role of the historian to vent his hatreds by violent attacks or contemptuous silence. In 1834 Mann Butler finished his history of the state, a much more reliable work than Marshall's. The Legislature had taken a certain interest in the preparation of this history, to the extent of authorizing the secretary of state to lend Butler any documents in his possession, but not until Butler had executed a bond of \$1,000 to return the material within twelve months.<sup>6</sup> But by far the most elaborate and ambitious history of the state was the work of Lewis Collins, which was a perfect mine of information on the history of the state. It was less a history and more a gazetteer. It was the first published in 1847.<sup>7</sup>

<sup>4</sup> Collins, *History of Kentucky*, I, 82.

<sup>5</sup> Collins, *History of Kentucky*, I, 38. The Governor was too late to secure for the state the minutes of the conventions held for the purpose of securing separation from Virginia and entrance into the Union. None of these records are in the state archives today. The celebrated Durrett Collection (now owned by the Library of the University of Chicago) contains the MS. minutes of the following conventions: Beginning July 28, 1788; November 3, 1788; July 20, 1789; July 26, 1790; and April 2, 1792. The original minutes of the previous conventions are not known to be in existence.

<sup>6</sup> *Ibid.*, 39.

<sup>7</sup> A second edition much enlarged by Richard H. Collins, son of the author of the first edition, and brought out virtually under the patronage of the state government, appeared in 1874. This is the dedication statement: "To his Father, JUDGE LEWIS COLLINS, whose Labors, in 1846-7, as a Historian of Kentucky, were most appreciated after his Death, in 1870; to the Kentucky Legislature of 1869-71;

In 1836 the Kentucky Historical Society was founded in Frankfort. It was organized largely out of a rising patriotic fervor for Kentucky and her past. At first its membership was restricted to native Kentuckians, or those intermarried with native Kentuckians, or those emigrating to Kentucky before June 1, 1792, when it became a state. "One of the main objects of the association shall be to celebrate, in such a manner as shall be deemed most expedient, the anniversary of the first settlement of Kentucky on the spot where the settlement was made."<sup>8</sup> In preparing for its historical celebrations, it was expected that as many as possible of the old settlers would attend "for the purpose of communicating the incidents connected with the early history of Kentucky." In May, 1840, the celebration of the settlement at Boonesborough was held, where from 7,000 to 10,000 people assembled, with over 3,000 ladies present. Governor Wickliffe was present, and reviewed eleven military companies, which were there to add splendor to the occasion. The state was not so old that it did not have still interesting connecting links with the past. Some of those who were in the fort during the siege in 1777 and other interesting pioneers made the celebration much more vivid. Lewis W. Green preached the anniversary sermon, and James T. Morehead delivered his celebrated historical address.<sup>9</sup> The following year the settlement of Harrodsburg was celebrated by equally as large an assemblage, with Benjamin Hardin, delivering the historical address.<sup>10</sup> During this burst of interest in her history Kentucky remembered Daniel Boone particularly and affectionately. In 1839 a full length portrait of Boone, was presented to the state and was given a place on the walls of the House of Representatives.<sup>11</sup> And in 1845 in pursuance of an act of the Legislature the remains of Boone and his wife were brought from Missouri and interred on a high bluff overlooking the Kentucky River in the Frankfort Cemetery. Elaborate ceremonies marked the occasion, with John J. Crittenden delivering the oration before a great concourse of people.<sup>12</sup> In 1850 a military

which, by contracting for Copies of it as a foundation for Public School Libraries throughout the State, generously and confidently encouraged its Publication; to those Members of the Kentucky Legislature of 1871-73 and 1873-75, whose Justice and Liberality sustained the Action of that of 1869-71; and to the Hon. Francis Ford, of Covington, and other noble Friends, whose generous and hearty Approval and kind Words encouraged him, amid unworthy Opposition and unforeseen Obstacles, during the four Years of its Preparation; this Work is affectionately inscribed by THE AUTHORS.

<sup>8</sup> John Rowan was its first president and the moving spirit in its organization and growth. After Rowan's death in 1843, the society gradually died down until it was completely discontinued with the Civil War. It was not re-organized until 1878. In 1880 it was given quarters in the state capitol and in 1906 it was given an appropriation by the state of \$5,000 annually. J. W. Townsend, *Kentuckians in History and Literature* (New York, 1907), 129 et seq.; *North American Review*, Vol. 47, pp. 253, 255; *Niles' Register*, Vol. 69, p. 13; *Annual Report of the American Historical Association*, 1892, p. 12; 1905, I, 286, 307; 1905, II, 228-234.

<sup>9</sup> Collins, *History of Kentucky*, I, 45. This address was published in a pamphlet of 181 pages: *An Address in Commemoration of the first Settlement in Kentucky, delivered at Boonesborough, May 25th, 1840* (Frankfort, 1840).

<sup>10</sup> Collins, *History of Kentucky*, I, 46. Other historical events were celebrated hereafter, with particular interests attaching to them after the Civil War.

<sup>11</sup> *Ibid.*, 44.

<sup>12</sup> In the words of Collins, *History of Kentucky*, II, 251, "There seemed to be a peculiar propriety in this testimonial of the veneration borne by the commonwealth for the memory of the illustrious dead; and it was fitting that the soil of Kentucky should afford the final resting place of his remains, whose blood in life had been so often shed to protect it from the fury of savage hostility. It was the beautiful and touching manifestation of filial affection shown by children to the memory of a beloved parent; and it was right that the generation who were reaping in peace the fruits of his toils and dangers, should desire to have in their midst, and decorate with the tokens of their love, the sepulchre of their primeval patriarch, whose stout heart watched by the cradle of this now powerful commonwealth, in its weak and helpless infancy, shielding it with his body from all those appalling dangers which

monument, commemorating the famous events in the military history of the state was completed, indicative of the people's interest in their historic past as well as a reminder of their military prowess.

The state was ever mindful of its military past as evidenced in monuments as well as generous consideration for those soldiers who were still living. It maintained a close interest in the old soldiers and their dependents by seeing that all who were deserving should receive pensions.<sup>13</sup> A rather remarkable interest in the living Revolutionary soldiers was marked in 1842, when the Legislature suggested that the names and residences of all the survivors be secured and some way be devised "in which a grateful people may do honor to the memory and character to the immortal heroes and patriots, collectively, by whose toil and valor the boon of freedom is inherited."<sup>14</sup>

Apart from a historical interest in military affairs, the state had its current military problems and interests. From the War of 1812 to the Civil war almost every governor found occasion to recommend changes in the militia laws. The military ardor of the people was quickly enough aroused when wars threatened or came, but it failed to respond to the hum-drum of state militia organizations. Governor Desha's reference in 1825 to the disorganized and lifeless condition of the state militia was characteristic of the period. He said, "From the deranged state of our militia, neither improvement in discipline, nor any other material benefit, is to be expected from it. A general revision of the system would seem to be desirable, by which the establishment may be placed on a more respectable footing. The scanty attendance on parades, arising from a want of discretionary power in the courts for the assessment of fines, under proper limits, produces numerous resignations, which not only derange the system but have become expensive to government."<sup>15</sup> Frequent requests were made by the Legislature to Congress to set up armories and military schools in Kentucky, and this same desire went down to the individual as seen in the petition of the inhabitants of Pendleton County in 1825 to Congress to set up an armory on the Licking River.<sup>16</sup>

Apart from the military and historical interest in the collection and preservation of books and documents, there was early felt the current need of a library where the officers of the Government might obtain easily various kinds of information which they so often needed. In 1817 Governor Slaughter referred to the need of a state library. "A state library at the seat of government," he said, "would be very useful and convenient. The members of the Legislature, public officers and judges, who attend the courts held at Frankfort, ought not to be entirely dependent on the private libraries of gentlemen of the bar, and other citizens. The surplus reports of the decisions of the court of appeals belonging to the commonwealth might be sold or exchanged for books. This fund with a small annual appropriation would probably be sufficient."<sup>17</sup> The Legislature in 1820 made a small beginning by providing for a library to be established in the office of the Secretary of State or in some other place which it might determine upon. In 1833 a further

threatened its safety and existence." Also see *Library of Southern Literature*, XVIIm 82.

<sup>13</sup> For example, note Governor Shelby's solicitous interest, as expressed in his message in December, 1815. *Niles' Register*, Vol. 9, p. 319.

<sup>14</sup> *Acts of Kentucky*, 1841, pp. 206, 207. A list of Revolutionary soldiers living in Kentucky in 1840 may be found in Collins, *History of Kentucky*, I, 5-9.

<sup>15</sup> *Niles' Register*, Vol. 29, p. 224. Governor Shelby, directly after the end of the War of 1812, was strongly in favor of building fortifications and keeping well armed the state and nation as the best assurance of peace or victory in war. See *Niles' Register*, Vol. 9, p. 318.

<sup>16</sup> *American State Papers, Military Affairs*, III, 154-156; V, 514, 515.

<sup>17</sup> *Niles' Register*, Vol. 13, p. 388.

step was taken when a provision was made for the election of a librarian. At the same time an appropriation of \$500 annually for five years was made. The librarian was far from being a person trained for the work; in 1838 the Legislature passed an act requiring the books to be numbered. The so-called librarian's duties in the library were the least of his cares: He was "superintendent of the public property of the Commonwealth at the seat of government," which included among other things the protection from injury of the capitol, the airing and cleaning of the various rooms and their carpets and furniture, and the protection and caring for the capitol grounds. A respectable number of books were on hand by 1833, when the total reached 500.<sup>18</sup> Five years later the Legislature directed the deposit in the library of fifty copies of the acts and twenty-five copies of the journals. A few years later the Government sought to have the manuscript journals of the constitutional conventions of 1792 and 1799, a *History of the Indian Tribes of North America*, and the best set of works on agriculture that could be purchased for \$100, placed in the library.<sup>19</sup> Benjamin Shelby, the librarian, in 1851, with the true sense of a collector and with a keen insight into the value of records, invited all the editors over the state to send him copies of their issues and help him in educating the public to preserve in the state library copies of all the newspapers published in the state, as "such a record will furnish to the country the very best history of the age."<sup>20</sup>

Another valuable collection of books that was in the process of being built up was the library of the Kentucky Historical Society. In 1841 the Legislature provided for the depositing in the historical library of one copy of all the books published by the state.<sup>21</sup> The Legislature took the attitude that intellectual advancement should come before considerations of national revenues or protection. In 1847 it declared that the tariff laws should be so amended "as to admit and allow of the importation of books, chemicals and philosophical apparatus, designed and imported for the use of colleges, seminaries of learning, and schools, and not for sale or merchandise, free of duty."<sup>22</sup> The state was also interested in the quick dispatch of intelligence through the use of the newly invented electric telegraph. Before 1848 lines were being constructed from Maysville to Cincinnati and from Maysville across the state through Lexington, Frankfort, Louisville, Bardstown, and Bowling Green to Nashville.<sup>23</sup>

The press of the state which has advanced so rapidly during the first two decades of the nineteenth century in numbers of papers, gradually slowed down to a more consistent and healthful growth. In 1810 there were 17 in existence out of the larger number that had been set going since John Bradford had begun his *Kentucke Gazette* in 1787. In 1828 there were 23, and six years later the number had increased to 25. Out of these there were two dailies (both in Louisville), two semi-weeklies, and the remainder, weeklies.<sup>24</sup> In 1839 there were twenty-one newspapers, which took an active part in politics, with the whigs overwhelmingly outnumbering the democrats.<sup>25</sup> An editors' convention was

<sup>18</sup> *American Almanac*, 1836, p. 244.

<sup>19</sup> *Acts of Kentucky*, 1837, p. 356.

<sup>20</sup> Collins, *History of Kentucky*, I, 62, 63.

<sup>21</sup> Townsend, *Kentuckians in History and Literature*, 131-134; Collins, *History of Kentucky*, I, 46.

<sup>22</sup> *Acts of Kentucky*, 1847, p. 382.

<sup>23</sup> Collins, *History of Kentucky*, I, 56.

<sup>24</sup> *American Almanac*, 1835, 247. The list is given here.

<sup>25</sup> The list as given in the *Kentucky Gazette*, October 24, 1839, follows: Whigs: Maysville Eagle, Flemingsburg Kentuckians, Paris Citizen, Lexington Observer, Lexington Intelligencer, Richmond Chronicle, Danville Olive Branch, Bardstown Herald, Bowling Green Gazette, Russellville Advertiser, Paducah Express, Princeton Examiner, Louisville Journal, Louisville Gazette, Frankfort Commonwealth,



held in Lexington in 1837, consisting of most of the editors of the state. The main purpose was to elevate the newspaper standards and to make the work and salaries of newspaper men more attractive. The peculiar power of the newspaper editor had risen high by this time and he realized the fact. The heat of politics had tended to make the editors forgetful of the ordinary etiquette of life and had caused many to degenerate into cutting and bitter personalities, which had the effect of lowering the standards of journalism. This convention had a full realization of the unfortunate conditions, and sought to build up an unwritten code of courtesy and ethics in the profession. This resolution was adopted, striking at the heart of the matter: "*Resolved*, That in all future discussions, whether political or otherwise, the Editors of the *Kentucky press* shall carefully abstain from all disrespectful personal allusions or epithets toward each other; that they shall not name each other, or apply nicknames, but shall conduct all controversies between themselves, with decency, decorum and moderation; and, that it be also recommended to them to cultivate each others good will, and on all proper occasions to advance other interests."<sup>26</sup> The outstanding figure in Kentucky journalism during the period before the Civil war was George D. Prentice. He exercised a powerful influence over the state for the whigs in politics, and for every cause that he undertook to advance. Henry Watterson, who adorned equally the period after the war, said of him, "From 1830 to 1861 the influence of Prentice was perhaps greater than the influence of any political writer who ever lived; it was an influence directly positive and personal."<sup>27</sup>

Kentucky politics continued spectacular and absorbingly interesting to the average individual. A traveller declared in 1825 that the "population of Kentucky are the most intelligent and are best informed in all matters connected with the politics of the state, of any whom I have ever met with in any other country."<sup>28</sup> Duels were still fought and barbecues were still in fashion. The former under the ban of the law were somewhat less frequent than formerly, and when challenged it was possible by skillful maneuvering to escape fighting a duel at all and at the same time escape social and political ostracism. Some escaped fighting duels by contemptuously dismissing the challenge as coming from one whose station in life was so low as not to entitle him to claim the right to feel insulted and to issue a challenge. Others turned their answers to challenges on other points. Robert Wickliffe in 1825, parried the challenge for a contest "with flint and steel" by spreading his answer on a handbill which he issued in which he declared that if the challenger "thinks he is fit to live, *without becoming a better man*, after the expose I shall now and hereafter make of his conduct to me, \* \* \* I have no wish to take his life; nor have I the least intention of permitting the man, who by tears and address extracted from me nearly half my fortune, to take mine—at all events until he pays me what he owes me."<sup>29</sup> Barbecues not only served to draw great throngs of people together to feast on choice viands and oratory, but they served as an occa-

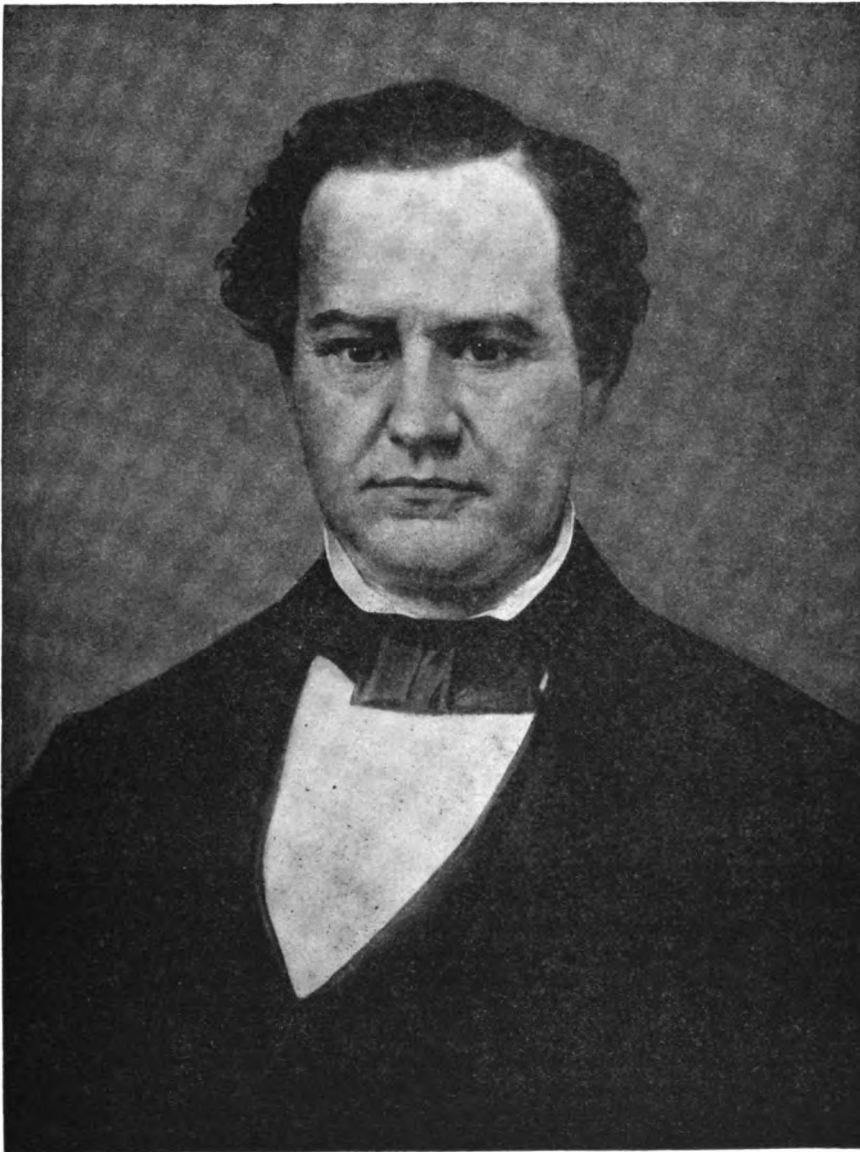
Georgetown Banner, and Warsaw Patriot. Democratic: Louisville Advertiser, Lexington Gazette, Maysville Monitor, and Covington Globe. There were 17 Whig and 4 Democratic.

<sup>26</sup> *Kentucky Gazette*, March 9, 1837. Collins, *History of Kentucky*, I, 520, erroneously refers to this as the first meeting of newspaper editors ever held in the state. The vigor of the language used by the newspaper editors in referring to each other is seen in the characterization by a Covington editor of his opponent as "a little Implement of Sophistry—a little forked upstart of a whistle-toot. A glass-eyed little skunk—a puny blow-toot of a Whig editor."

<sup>27</sup> Quoted in *Library of Southern Literature*, IX, 4191. For a short appreciation of Prentice see *Ibid.*, 4189-4195.

<sup>28</sup> *Letters on the Conditions of Kentucky in 1825*, p. 39.

<sup>29</sup> One of these handbills is preserved in *Breckinridge MSS.* (1825).



GEORGE D. PRENTICE, 1802-1870  
(Courtesy of The Filson Club)

sion for which the political leaders of the party throughout the nation could be invited to be present. Not that it was believed that they could be present, but the replies of regrets, in which occasion was always taken to extol the party and its lofty principles, formed valuable propaganda.<sup>30</sup>

As late as the early '20s the political practice still persisted on the part of candidates for office of maintaining the dignified position that presidential candidates at one time were wont to occupy, but have now long since abandoned. No candidate should so far forget himself as to go on a tour of speech-making; at most he might write his opinions in the papers. The ideal candidate was the one whose friends had brought about his nomination, and whose friends should see that he was elected. It was even held by some of the ultra-conservative that the people really had no right to know what the candidate thought about the important questions of the day. But curiosity has always been a strong human trait; and people also have the habit of wanting to know some things for good and sufficient reasons. They, therefore, often annoyed certain candidates by addressing a series of questions to them concerning the issues that were supposed to be before the people in the campaign. In 1818 a candidate for office on receiving a set of questions finally agreed to answer them, but not before making the following statement: "Altho' I am confident the object of the writer is to produce an effect upon the approaching election, and in that view of the subject do not feel myself bound to answer his questions; yet as they embrace general interests and silence might be construed into a fear to make an avowal of my opinions, I will briefly answer them."<sup>31</sup> A set of questions that appeared in the campaign in 1822 follows: "The following queries are put to each of the candidates in Fayette County for the next Legislature, to each of which candid answers are required.

"Do you or do you not believe that the Bank of the Commonwealth to have been *constitutionally* created?

"Will you (if elected) give all the aid in your power to measures calculated to support that institution, and to raise the credit of its paper?

"Do you or do you not believe that the Replevin and endorsement laws to be constitutional—and will you (if elected) exert yourself to support and maintain those laws?

"Do you or do you not believe that the legislature possess the right by the constitution of removing the Judges of the Circuit Court and Court of Appeals by address of two thirds '*upon reasonable grounds?*'

"Do you or do you not believe that *error* as well as *corruption* in Judicial opinions is reasonable grounds of removal—if the error be productive of effects ruinous to the prospects and happiness of the people?

"It is hoped that no candidate will shrink from answering those questions strictly and unequivocally. He that does so deserves not the confidence of the people; he shall not have mine. ONE OF THE PEOPLE."<sup>32</sup>

But a candidate conducting a campaign with arms folded in the precincts of his home, appealed no more to many candidates than it did to the Kentucky voters, who always liked a fight vigorous and open. There was growing up much opposition and criticism against a few political bosses managing their candidate before the election and perhaps more so after his election. The *Kentucky Gazette* thought that this practice was a relic of aristocracy, and that the method of sending the candidate before the people and making him stand on his own feet was "the only plan consistent with the freedom of our government."<sup>33</sup>

<sup>30</sup> For example, see *Frankfort Commonwealth*, Nov. 1, 1842, etc.

<sup>31</sup> Richard Barbour in the *Louisville Public Advertiser*, July 21, 1818.

<sup>32</sup> *Kentucky Gazette*, July 18, 1822. One candidate who hoped to win the votes of the Relief Party replied that "to each and every of the above interrogatives, I answer unhesitatingly in the affirmative." *Ibid.*, Aug. 1, 1822.

<sup>33</sup> May 29, 1823.

From the same source came this further argument: "The opposition to candidates for mixing freely with the people tends to destroy one of the improvements of the western country over the eastern states in county elections particularly. Where we see any of our fellow citizens who have embibed the erroneous notion of shutting themselves up at home with folded arms pending an election at which they are to poll, we would recommend to them the study of the principles of our Government, in which they will find that the power in the possession of the people so neglected will become a *feather* in the scale when opposed to the executive and judiciary branches of the Government. Once learn the people to vote for those they neither know or care any thing about, their pride falls and they will soon learn to be lukewarm and careless about the affairs of their country. An election in seven years would be too often for such a people—no election at all would suit them better."<sup>34</sup> With the rise of real political parties during the '20s this old practice was given a speedy death. Soon the most vigorous men in the state were the candidates, carrying their speaking campaign all over the country. Hereafter candidates vied with each other in the endurance tests which the campaigns set.

The dangerous and unrepugnant custom of selling offices early appeared in Kentucky. This practice had its basis in the fact that large numbers of officers were then appointed, which have later come to be elective. One of the most flagrant examples of office-selling was in the case of sheriffs. By the constitution of 1799 (under which the state continued to live until 1850) the county court should recommend every two years two of the senior members of its body for sheriff to the governor, whose duty it was to appoint one of them. This was designed as a reward toward which the county justices could look. But it too often happened that the justice instead of accepting the appointment, sold the office to some other persons not on the court bench, and then refused the appointment with the understanding that the governor would appoint the man he had sold out to. This was so glaringly corrupt, that Governor Desha served notice that he would appoint no one who was not a member of the county court.<sup>35</sup>

Governor Slaughter in 1816 had noted the practice and counselled legislation against it. He feared for the state if the practice were continued. "To furnish the strongest motives to men, to deserve well of their country," he said, "and to make public office and station the reward of qualifications and integrity, would seem to me congenial with the spirit and character of such a government. A practice, therefore, which tends to place merit without wealth in the shade, and to enable the rich to monopolize the offices of government, has at least an aristocratic tendency, and demands severe reprehension. I therefore recommend to the legislature a revision of the laws against selling offices, and the enactment of such provisions and penalties as are best calculated to suppress the mischief which seems of late to be increasing."<sup>36</sup> The following year he issued a further warning against the dangers of such a practice: "I regret the necessity of once more pressing on your attention the anti-republican and highly critical practice of selling offices which is becoming too common and indeed fashionable. Shall the public offices in the republic of Kentucky be an article of sale in the market, or the reward of qualifications and integrity? This is the question to be decided. If this practice is sanctioned or even winked at, it will prove that while we profess that the road to public station is open to all, the poor as well as the rich, that they are in fact confined exclusively to the latter. The

<sup>34</sup> *Kentucky Gazette*, Aug. 9, 1821. For further information on the old system, see *Ibid.*, Aug. 3, 1820, et passim, and *Kentucky Reporter*, April 24, 1826.

<sup>35</sup> *Kentucky Gazette*, Dec. 2, 1824.

<sup>36</sup> *Niles' Register*, Vol. 11, p. 392.

prevalence of such practice, especially if countenanced, is evidence of the decline, if not of the state, of the republican purity of the government." Again he recommended the enactment of laws to stop "this pernicious and illicit traffic."<sup>37</sup>

Only one degree removed from selling offices outright was the practice of hiring someone to perform the duties for a small fraction of the salary paid by the state, and of keeping the remainder. Governor Desha extended his warfare against office-selling to the holding of sinecure offices. In 1825, he said, "It is worthy to enquire whether there are not now offices in this state, held by men who perform none of their duties, finding their salaries sufficiently liberal to hire deputies with a portion thereof, and live upon the residue. Why should not the state pay the deputies directly, and discharge the principals, thereby saving what she now pays for the support of incompetency or idleness?"<sup>38</sup>

Betting on elections also grew into an evil which engaged the attention of the officers of the Government frequently. It was not only opposed as a species of gambling, but it received the stronger condemnation because of the incentive it presented of using money to influence elections. Elections were carried on over a period of three days, and opportunities of buying votes as well as repeating the vote were thus more easily found.<sup>39</sup> A law was passed against this form of corruption and afterwards repealed, which lead Governor Powell in 1853 to say, to the Legislature, "I recommend that you pass such laws, as will suppress, if possible, this evil, which has increased to an alarming extent, since the laws prohibiting it were repealed."<sup>40</sup> In response to this appeal, the Legislature passed a law imposing a fine of \$100 for betting on elections and forfeiting to the state the money or property won.<sup>41</sup> But this legislation seemed to have very little effect on the practice, for in 1857 Governor Morehead issued the following complaint: "The habit of betting on elections, with the almost necessary consequence of using money to procure or influence votes, is a great and growing evil, which demands your careful consideration."<sup>42</sup> It must not be inferred that the standards of honesty of state officials were low. As a general rule the members of the state government took a high and honorable view of their duties—sometimes rather grandiloquently on the part of the legislators especially. The state treasurer in 1817 was rather lax with the state funds, and when a shortage was discovered, he resigned.<sup>43</sup>

To make government more effective and render those in authority more efficient the revisal of the state laws was advocated by Governor Adair in 1821. He presented the situation then existing thus: "When laws have become so voluminous that none but men of leisure can read them—when they have been rendered by repeated amendments, repeals, and re-enactments, so intricate that they are difficult to be understood, except by men whose profession is to study and illustrate them—and when, by these frequent changes, they have been rendered so uncertain, that the people are afraid to contract on the face of them, lest they may have been repealed before the period of their general dissemination, it may, with justice be pronounced, that the protection of the citizen has measurably ceased to be secured by such laws." He feared that many magistrates would be deterred from searching out what was really law, and others would resign their stations.<sup>44</sup> The Legislature authorized a

<sup>37</sup> *Niles' Register*, Vol. 13, p. 388; *Port Folio*, Vol. 6, p. 70.

<sup>38</sup> *Ibid.*, Vol. 29, p. 222. For the salaries of state officials in 1831, see *American Almanac*, 1831, II, 244-247; for 1834, *Ibid.*, 1834, 235.

<sup>39</sup> See *Kentucky Gazette*, Aug., 1822; *Niles' Register*, Vol. 40, p. 401.

<sup>40</sup> *Kentucky Yeoman*, Jan. 6, 1854.

<sup>41</sup> Collins, *History of Kentucky*, I, 70.

<sup>42</sup> *Lexington Observer and Reporter*, Dec. 9, 1857.

<sup>43</sup> *Niles' Register*, Vol. 14, pp. 14, 440.

<sup>44</sup> *Niles' Register*, Vol. 21, p. 190.

revisal of the laws, and almost within a year the legislation of the state from the first days of statehood on down to 1821 was put in a workable form which might be used and understood by all.<sup>45</sup> As an additional aid to state officials as well as to the officers of all other states, the Legislature in 1843 suggested the desirability of a digest of all the decisions of the Supreme Court of the United States.<sup>46</sup>

The popular estimation of the Legislature was not always as high as the legislators, themselves, would have liked. Although the state's greatest statemen were cradled in this body, the general ability of the Legislature was most of the time mediocre. Some sessions passed dangerous legislation of a fundamental character, while others whiled away their time on local legislation, which the courts should have more properly handled. Governor Adair cautioned the legislators against "the prodigious increase" in such laws, and suggested that they should refrain from it for economy's sake if for no other reason.<sup>47</sup> The *Kentucky Gazette* summed up a general feeling concerning that body, which represented others than its own: "The waste of time by legislative bodies has always been a subject of complaint, and will no doubt continue so long as it is necessary for the people to have a number instead of a few to guard their rights; but the waste of so much time on one bill has surely some remedy. It is said the laws of *China* punish a doctor with death for suffering a patient under his care to die. It might be a useful law in Kentucky, to render every member ineligible for — years that was present at the death of any bill more than one month old, or who adjourned leaving any such bill to perish. We do not pretend to say that the public is much concerned in preserving the lives of such bills; but it might benefit the public by directing the attention of the state physicians to other patients and thereby save time which has always been considered as valuable as money."<sup>48</sup>

The feeling that the Government ought to be of distinct service to the people, coupled with the broad ideas of humanitarianism that were sweeping over the land and which attained their great strength in the '30s, was well expressed in the attitude of the state toward the unfortunate members of its society. In early times the state cared for the insane in a very meagre way, but not in a central institution where they could receive competent medical attention and be surrounded by prospects that would ease their minds. In 1816 a private hospital for the insane had been organized in Lexington by some of her philanthropic and benevolently inclined citizens, but the existence of this institution was precarious from the beginning. However, it gave the idea and afforded the opportunity to the state of caring for the insane throughout the state in a more effective way. Governor Adair in 1820 advocated the taking over of this hospital by the state. There the insane could have "the best medical aid the state affords gratis—and if only one in twenty of those unfortunate beings, laboring under the most dreadful of maladies, should be restored, will it not be a cause of gratulation to a humane and generous public?"<sup>49</sup> The next year he referred again to the melancholy condition of the insane: "It is not among the fragments of mouldering columns, scattered over the sands of the desert; it is not beneath a solitary arch of some decayed citadel of subverted empire, that, in the retrospect of the instability of human affairs, we learn the most instructive lesson of the vanity of human hopes. It is when we pause amid the ruins of the human mind; when we contemplate the destruction of those intellectual powers, which rendered their possessor lord of creation; and behold the

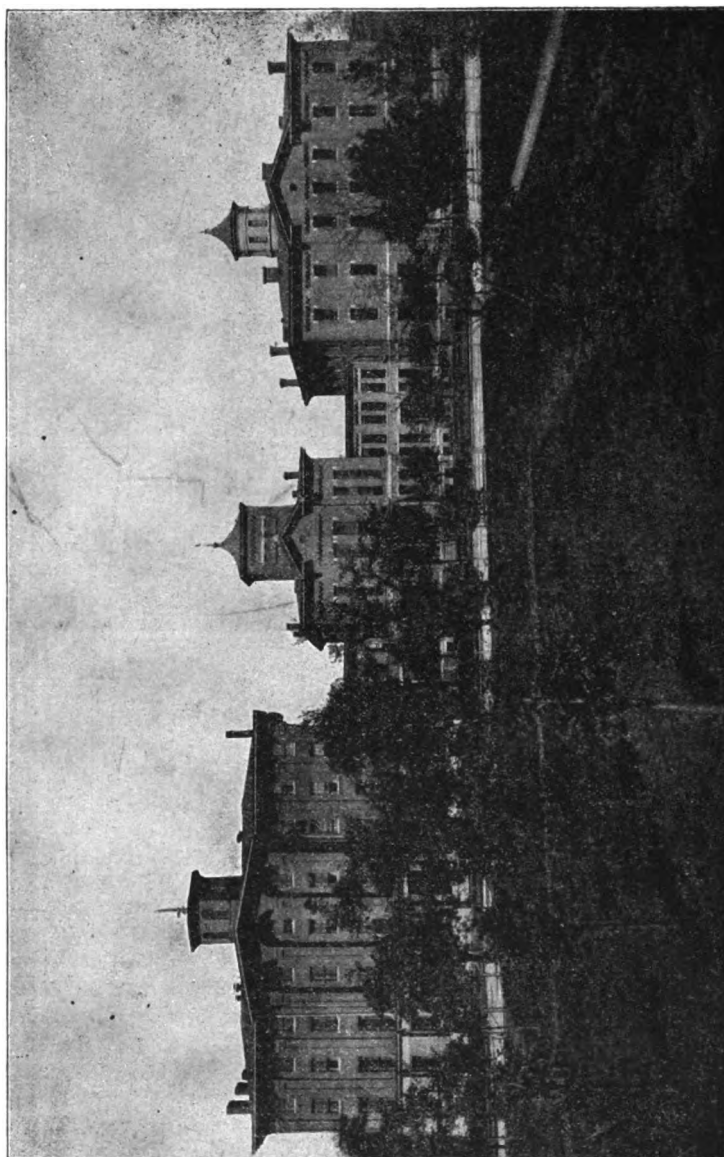
<sup>45</sup> *Ibid.*, Vol. 23, p. 171.

<sup>46</sup> *Acts of Kentucky*, 1843, p. 267.

<sup>47</sup> Message of October 22, 1822, in *Niles' Register*, Vol. 23, p. 172.

<sup>48</sup> Jan. 4, 1821.

<sup>49</sup> *Niles' Register*, Vol. 19, p. 171; Collins, *History of Kentucky*, II, 223.



Girls' Building

Chapel

THE KENTUCKY SCHOOL FOR THE DEAF

Boys' Building

imbruted madman, roving with dark and savage purpose through an afrighted land, which his philosophy had enlightened, his eloquence enraptured, this valor emancipated, and his benevolence blessed, that we impressively feel the worthlessness of every attainment that does not dignify our motives, ennoble our pursuits, benefit our kind, and merit an everlasting reward. As the possession of reason is the glory and distinction of our nature, so its deprivation may be regarded as its heaviest calamity. The duties which we owe to the objects of such deprivation are of most sacred obligation." Again he suggested the use of the Lexington hospital.<sup>50</sup>

In 1824 the state took control of this institution, being among the earliest if not the first state to so care for its insane.<sup>51</sup> In 1848 a second insane asylum was founded near Hopkinsville in Christian County.<sup>52</sup> Even before the state had entered onto the program of taking better care of the insane, it had provided for an institution for the deaf and dumb, which was established in Danville in 1823.<sup>53</sup> The blind were cared for in an institution set up for them in Louisville in 1842, and endowed in the beginning with \$10,000 from the common school fund.<sup>54</sup>

The penitentiary, which had been made necessary when the state revised her criminal code from the death penalty for almost every crime, to imprisonment, had early come to be managed as a source of revenue for the state. Numerous articles were manufactured within the walls of the prison and sold throughout the state.<sup>55</sup> In 1817 Governor Slaughter called attention to the need for repairs to the building, which had become so insecure that the convicts often made their escape. Was it fair, he asked, to increase the sentence of those who were led to escape because of the ease with which it might be accomplished or the negligence of guards to perform their duties? "This institution, which originated in a spirit of philanthropy, and a liberal, and enlightened humanity, ought not to be abandoned, or neglected." This institution had attracted the favorable attention of other states, and the state ought to see to it that it was not suffered to deteriorate. The penitentiary ought not to be solely considered as an instrument of punishment, and vengeance against the offending members of society, it ought to be used to reform the prisoner as well. He advised that "bibles, and books of morality" should be furnished the prisoners, and that "religious and moral instruction" should be given. "But little good is done," he said, "if the offenders go forth into the world unredeemed in any degree from the depravity for which they were cut off from their social state."<sup>56</sup>

During the '20s prison reform was attracting attention throughout the country. More reformation and less vengeance was being urged by many individuals and by societies organized for the purpose.<sup>57</sup> Governor John Adair became the champion for reform in Kentucky, urging at great length in his successive messages to the Legislature an amelioration of the condition of the prisoners. He declared that the penitentiary had arisen out of the "wise and humane purpose of uniting mercy with justice," but it had sadly departed far from those principles.<sup>58</sup> "By a public and prolonged exhibition of ignominious punishment, calculated to humble and debase a being, whose want of self-respect has betrayed him to the commission of meanness or of crime, by consigning to one

<sup>50</sup> *Niles' Register*, Vol. 21, p. 189.

<sup>51</sup> Collins, *History of Kentucky*, II, 223; *North American Review*, Vol. 44, pp. 112, 560.

<sup>52</sup> Collins, *History of Kentucky*, II, 126.

<sup>53</sup> Collins, *History of Kentucky*, II, 85.

<sup>54</sup> *Ibid.*, I, 47. See also *Ibid.*, 69.

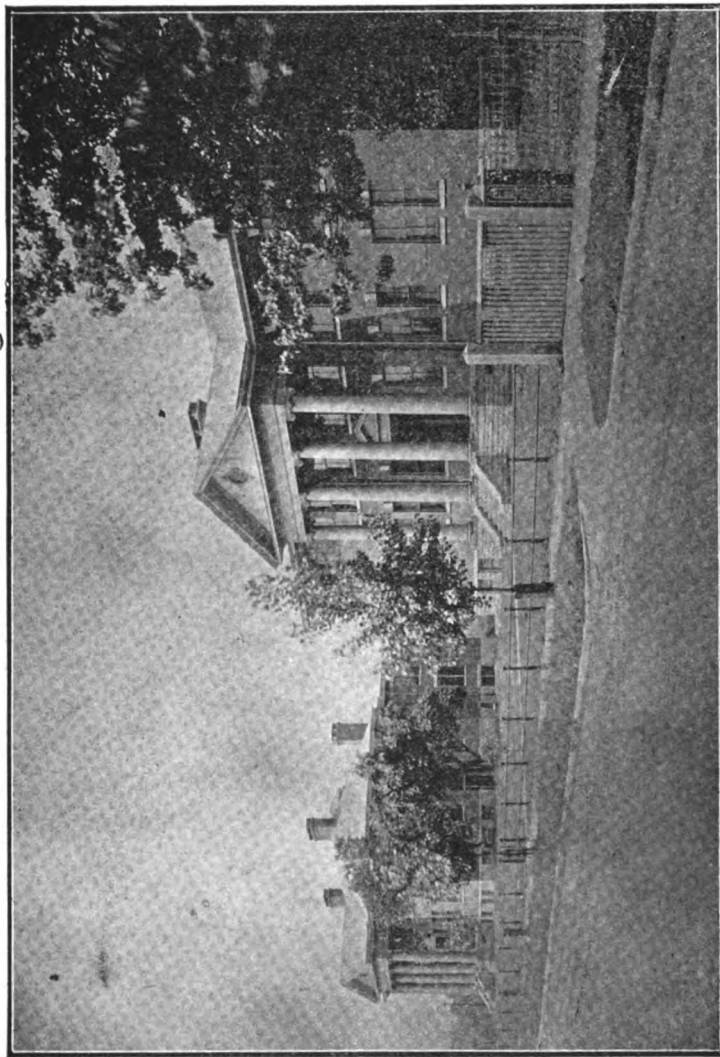
<sup>55</sup> *Niles' Register*, Vol. 5, p. 337; Vol. 11, p. 392.

<sup>56</sup> *Niles' Register*, Vol. 13, p. 386.

<sup>57</sup> McMaster, *History of the People of the United States*, IV, 540-549.

<sup>58</sup> Message to Legislature, October 17, 1820, in *Niles' Register*, Vol. 19, p. 170.





Little Boys' Cottage

THE KENTUCKY SCHOOL FOR THE DEAF

Little Girls' Cottage

common mansion of guilt, all convicts of whatsoever grade, and compelling the high-minded, the enlightened, the unfortunate victim of a venial error, to consort with the atrocious murderer or ignoble thief; and from the influence of such a system, and the contagion of such associations to hope for final reformation, bespeaks a lamentable ignorance of human character. The pride of our legislation has never stooped to the ball and chain—its humanity admits, but on awful exigencies, the horrors of the gallows. To the honor of Kentucky it will hereafter be recorded among the acts on which posterity will love to dwell, that in the very infancy of her government, she was among the first to assert the permanent triumph of civilization over the barbarous infliction of sanguinary punishments.” He advocated the institution of a number of reforms. Solitary confinement should be adopted to induce introspection and to bring the criminal to a sense of the enormity of his sins against society. “Virtue herself wanders with melancholy aspect in the regions of exile—and sinks with disparaging anguish amid the gloom of the dungeon, from which she is never to emerge. But absolute and compulsory solitude, when adopted as a punishment, and inflicted for a season only, has been found productive of the most beneficial results. It is the inquisitor of the soul, and the tyrant of every vice.” Religious and educational instruction should be given the prisoner, and a small pittance with which to begin life over again, when he shall have been freed, should be afforded him. Was it too much to hope, he asked, that the Legislature would make a small appropriation “sufficient to enable some pious, respectable clergyman to devote his sabbaths to the benevolent purpose of instructing this unfortunate and degraded class of men?” The penitentiary was not “a money making or money saving project. It is a magnificent plan, devised by the spirit of philanthropy and approved by the profoundest wisdom, to accelerate the progress of civilization, to diminish the sufferings, and amend the morals of human kind.” There ought to be reward for merit and the infliction of corporal punishment ought to be stopped.<sup>59</sup>

The state found it hard to get away from the idea that this institution should be used as a money maker.<sup>60</sup> Various plans were carried out, with the penitentiary at times being sold for a stated sum to a private individual who used it for his own gain.<sup>61</sup>

Not directly connected with the state, but still of considerable interest to the people of the state was an Indian school set up at Blue Springs in Scott County, known as the Choctaw Academy. By a treaty with the Choctaws in 1825 the United States agreed to give them annually forever a sum of \$6,000, which for twenty years should be devoted to the education of the Choctaw youths.<sup>62</sup> Richard M. Johnson was interested in the project, and it was largely through his efforts that the school was set up in Kentucky, near his home. The direct management of the institution was vested in the Baptist Church, which made its reports of the work directly to the United States Indian Office. It was the desire of the Indians that their boys should be educated away from the tribe itself, and that they should be taught things that would fit them for ordinary American citizenship. The regulations for the management of the school stated that “The system of education shall embrace reading, writing, arithmetic, English grammar, geography, practical surveying,

<sup>59</sup> Message of October 16, 1821, in *Niles' Register*, Vol. 21, pp. 188, 189; message of October 22, 1822, *Ibid.*, Vol. 23, p. 172; message of November 4, 1823, *Ibid.*, Vol. 25, p. 203.

<sup>60</sup> From March, 1839, to November, 1840, the state made a profit of \$42,512.12 from the penitentiary. *Niles' Register*, Vol. 59, p. 342. See also *Ibid.*, Vol. 29, p. 224.

<sup>61</sup> In 1858 it was rented for a period of four years for \$12,000 annually. Collins, *History of Kentucky*, I, 79.

<sup>62</sup> *Indian Treaties and Laws and Regulations relating to Indian Affairs*, 171-174. Date of treaty January 20, 1825.

astronomy, natural philosophy, and vocal music."<sup>63</sup> In line with the idea of making Americans out of the youths, they were given in addition to their tribal names well-known American names. John C. Calhoun, Thomas H. Benton, Richard M. Johnson, Andrew Jackson, and Henry Clay, were all Indian boys at the Choctaw Academy, striving, no doubt, to emulate the lives of the men whose names they bore.<sup>64</sup> Other tribes made arrangements to patronize this school. In 1826 the Creeks prepared to send twenty of their boys, and in the same year the Pottawatomies set aside \$2,000 from the amount due them from the United States, for the purpose of sending youths to the school.<sup>65</sup> In 1826 there were 53 Choctaw youths in attendance, and their "examination exercises" were attended by 500 people, who were much pleased at the progress being made.<sup>66</sup>

The academy was soon in a thriving condition with 174 boys of the various Indian nations there in 1835—this being the greatest number ever in attendance at one time. But by the early '40s the school had begun to decay, and it soon ceased to exist.<sup>67</sup> The Indians, themselves had by this time lost interest in the academy, as they now believed that the education received by their boys made them lose their tribal customs and attachments, and caused them to become effeminate.<sup>68</sup> Also many Americans, who disagreed with the policy of removing the Indians to the regions west of the Mississippi and thereby disrupting their homes and civilization, believed that no good could come from educating the Indians to be again turned loose in a wild life. Hezekiah Niles said, "If these children, when educated, are to be driven into the wilderness, remote from the seats of civilized life, they had better be discharged from school before they are disqualified to enjoy the small portion of solid comfort that belongs to the hunter-state."<sup>69</sup>

The interest of Kentucky in the political welfare of people was not bounded by their own limits. They hated tyranny wherever they knew it existed, and some of the more impetuous ones were not content to oppose it with words, as will appear hereafter. But hardly had American independence been won from perpetual European entanglements before Kentucky was cheering for the South Americans in their contest to win independence from Spain. Governor Slaughter in 1817 could not refrain from imploring Providence "to extend his kind and protecting care to our southern brethren now struggling for freedom and independence. As republicans we cannot be indifferent to their cause. That they ought to be independent of the powers of Europe, nature herself has decreed. From the school of freedom which we have established, there is reason to hope they will learn to institute republican forms of Government; and although it may not be necessary or expedient for us to participate in their contests, let us beseech the same kind Providence that watched over us in times of difficulty and trial, to crown their efforts with success."<sup>70</sup>

These were not the sentiments of the governor alone; both branches of the Legislature brought up separate series of resolutions condemning the tyrannies of Europe and expressing sympathy for the struggling South Americans. The Senate hoped to see the South Americans

<sup>63</sup> "Choctaw Treaty—Dancing Rabbit Creek" in *Executive Documents*, 26th Cong., 2 Sess., No. 109, p. 22.

<sup>64</sup> *Ibid.*, 40, 41.

<sup>65</sup> *Ibid.*, 117-179.

<sup>66</sup> *Niles' Register*, Vol. 31, p. 159.

<sup>67</sup> The funds from the United States were appropriated for only twenty years for school purposes.

<sup>68</sup> Josiah Gregg, "Commerce of the Prairies"; in Thwaites, *Early Western Travels*, XX, 306.

<sup>69</sup> *Niles' Register*, Vol. 32, p. 322.

<sup>70</sup> Message to Legislature, December 2, 1817, in *Niles' Register*, Vol. 13, p. 389.

"throw off and break in pieces the yoke of Spanish despotism," and although there were the blessings of peace in preserving a just neutrality, still it could not be insensible to the great importance of independent countries in South America "as respects the probable commercial and political relations between the two portions of the same great continent." We were under no obligations to favor "old Spain" in this contest, and it would be well for us not to read too much into our duties as a neutral. And it were well also to remember that "if the general government of the United States is prepared to take a side in this contest, the many unredressed wrongs, and the outrageous insults of old Spain to this government, together with the strong claims of suffering humanity upon our sympathy, leave no room to doubt which side the free people of the only republic upon earth are prepared to take." The House entered into a more philosophical examination of liberty, and found that the South Americans were entitled to it, and that the United States Government ought to recognize forthwith those provinces which "have declared themselves free and independent, and have shown a reasonable ability to maintain their independence."<sup>71</sup> Clay, who had become so thoroughly interested in South American independence and its immediate recognition by the United States, took occasion to keep his fellow Kentuckians interested in the subject by referring to it in his speeches to them.<sup>72</sup>

The Kentuckians also noted with lively interest the struggle of the Greeks for independence from the tyranny of the Turks, and in the session of 1823-1824, the Legislature took occasion to voice its accord with the United States in recognizing the South American republics, and to heartily agree with President Monroe in his doctrines concerning the attempts that might be made by European nations "to reduce those republics to provincial subjection."<sup>73</sup> By 1842 the Irish had come to attract the sympathetic interest and concern of Kentuckians to a rather remarkable degree. It had advanced beyond more or less perfunctory resolutions of the Legislature, for at this time a "highly respectable" gathering came together in the legislative chamber in Frankfort to express their sympathy for Ireland and to condemn the tyranny and misrule of England. The editor of the *Frankfort Commonwealth* said that Irishmen and Kentuckians were after all much alike. "They are both constitutional lovers of fun—both indomitable foes to oppression, and a fiery, soul-stirring species of eloquence is peculiar to each."<sup>74</sup>

One of the most remarkable examples of the patriotic fervor of Kentuckians for downtrodden peoples was the part they played in the Lopez expeditions to free Cuba from the Spanish power. Although chiefly actuated by patriotic impulse, Kentuckians also had a deep-rooted distrust of foreign nations controlling the island approaches to the United States. As early as 1823, Kendall had said of the likelihood of England getting Cuba that "its possession by that power ought to be prevented by all hazards; for it would be almost as fatal to the western country as the occupation of her of the mouth of the Mississippi."<sup>75</sup> In an era when filibustering was a favorite pastime with too many Americans, Gen. Narcisco Lopez, a Cuban leader sought to engage as much of that activity as possible to the purpose of freeing Cuba. In 1850 he visited the United States, passing down the Ohio and Mississippi rivers, and visiting Kentucky, Tennessee, Mississippi, and Louisiana. He organized three regiments, with the largest one from Kentucky under the command of Theodore O'Hara with 240 men. This force landed at Cardenas

<sup>71</sup> *Niles' Register*, Vol. 13, pp. 371, 372.

<sup>72</sup> *Ibid.*, Vol. 20, p. 301.

<sup>73</sup> *Ibid.*, Vol. 25, pp. 372, 373.

<sup>74</sup> Jan. 11, 1842.

<sup>75</sup> *Autobiography of Amos Kendall*, 263.

and captured the town with the governor. A few Kentuckians including Capt. John A. Logan, were killed in the fighting. The town was soon abandoned, the governor turned loose, and the expedition abandoned.<sup>76</sup> The next year enthusiasm was booming high again in Kentucky. Popular meetings were held at different places over the state to arouse volunteering and to give vent to the people's anger at the Spanish regime. At Frankfort a meeting was held on August 26 at which a demand for Cuban independence was made and a resolution passed promising to "use all lawful and honorable means to assist the struggling patriots and hasten the triumph of Cuban liberty."<sup>77</sup> A Kentucky regiment of almost 700 men was recruited; but only about fifty under Col. William L. Crittenden and Capt. Victor Kerr actually reached Cuba. Again the expedition was unsuccessful. Most of the Lopez forces were captured and shot. Among these were a considerable number of Kentuckians, including Crittenden, who made the celebrated remark just before his death: "A Kentuckian kneels to none except his God and always dies facing the enemy."<sup>78</sup>

The hospitality of the state was extended on several occasions to distinguished men who came on visits. The people delighted to show a warm friendship for such visitors that characterized generally close acquaintanceships more than the colder formalities that were commonly associated with public functions. General Lafayette, in his tour of the United States during 1824-1825, visited Kentucky and received a noisy as well as warm reception. Although the state received him first upon her soil as a shipwrecked victim from an unfortunate steamer on the Ohio, she soon caused him to forget in the whirl of her reception his mishap. Louisville had the honor of receiving him first and made good use of her opportunities. From here he set out across the state by way of Shelbyville "a large and flourishing village, situated in the midst of a most fertile and diversified country," to Frankfort. The capital was decorated and all aglow with arches and American flags. According to the description in the *Argus of Western America*, "As the procession entered the limits of South Frankfort, a national salute was fired from a piece of ordnance stationed on the heights above the capitol upon the Lexington road. The long and brilliant procession winding down the hill and through the streets of South Frankfort, the sound of the bugles, the thrill notes of the fifes, the rattling of the drums and the reports of the cannon which echoing from a hundred hills resembled peals of thunder, rendered this the most imposing and interesting spectacle ever exhibited in the capital of Kentucky."<sup>79</sup> The governor of the state made an address of welcome, to which Lafayette made an appropriate reply. A dinner was then served in the public square attended by 800 people. Lafayette's secretary said of the Frankfort visit, "The entertainment given on this occasion by the inhabitants of the town, to which were joined those of the neighboring counties, were very brilliant, and strongly impressed with that ardent and patriotic character which distinguishes all the states of the Union, but which, among the

<sup>76</sup> A. C. Quisenberry, *Lopez's Expeditions to Cuba* (Louisville, 1906), Filson Club Publication, Number 21, pp. 32-65; also see "Col. M. C. Taylor's Diary in Lopez Cardenas Expedition, 1850" in *The Register of the Kentucky State Historical Society*, Vol. 19, No. 57 (September, 1921), pp. 79-89.

<sup>77</sup> *Kentucky Yeoman*, Aug. 20, 1851.

<sup>78</sup> Quisenberry, *Lopez Expedition*, 69; Fish, *American Diplomacy*, 298, 299; James F. Rhodes, *History of the United States* (New York, 1902), I, 216-220; Collins, *History of Kentucky*, I, 62. Taking Crittenden's words as a theme, Mrs. Morgan L. Betts (Mrs. Mary E. Wilson Betts) wrote the poem "A Kentuckian Kneels to None but God." This poem may be found *Ibid.*, 584. See also *Library of Southern Literature*, XVI, 6106. William L. Crittenden was a nephew of John J. Crittenden.

<sup>79</sup> May 18, 1825.

Kentuckians, is more manifest, and expressed with all the energy of a young people, enthusiastic in the cause of liberty." <sup>80</sup>

Leaving Frankfort, he continued his journey on to Lexington through "the pretty little town of Versailles, where we remained some hours, to attend a public dinner, given by the citizens of the town and the surrounding country." He entered Lexington amidst enthusiastic throngs and the reverberation of the booming artillery "The entertainments at Lexington were extremely brilliant; but of the proofs of public felicity, that which most attracted the general's attention, was the development and rapid progress of instruction among all classes of people. In fact is it not an admirable and astonishing circumstance, to find in a country, which not forty years ago was covered with immense forests, inhabited by savages, a handsome town of six thousand inhabitants, and containing two establishments for public instruction, which, by the number of their pupils, and the variety and nature of the branches taught, may rival the most celebrated colleges and universities in the principal towns of Europe?" <sup>81</sup> He visited Transylvania University, where President Holley, "received the general at the door of the establishment, and addressed him in an eloquent speech." Further exercises were carried out with three students addressing Lafayette in Latin, English, and French, "whose compositions, as eloquently written as well delivered, merited the plaudits of the auditors." Lafayette replied to each in the language in kind. He also visited Lafayette Academy, a school for young ladies, where 150 pupils "received him with the harmonious sound of a patriotic song composed by Mrs. Holley, and accompanied on the piano by Miss Hammond." He was then complimented by several young ladies, some in prose and others in verse, of their own composition. "The discourse of Miss M'Intosh and the beautiful ode of Miss Nephew, produced a great effect on the audience, and drew tears from eyes little accustomed to such emotions." Before leaving Lexington Lafayette visited the widow of General Scott to pay his respects to the wife of the man whom he had known and admired during the Revolution. He also visited Ashland, and in the absence of Mr. Clay, "Mrs. Clay and her children performed all the honours of the house with the most amiable cordiality."

After spending two days in Lexington, Lafayette left for Cincinnati through a region, which according to his secretary gave the party "the advantage of seeing the prodigies of art effected by liberty, in a country which civilization has scarcely snatched from savage nature." In his message to the Legislature in November, 1825, Governor Desha referred to Lafayette's visit thus: "The appearance among us of the venerable soldier, the principal object of whose life, as evinced by the uniform tenor of his actions, has been the establishment of rational freedom in both hemispheres, was well calculated to diffuse joy throughout the community. His presence revived in the old recollections of that eventful period when his accession to our cause brought new hopes of success; while in the young it increased the admiration with which he has ever been regarded, Kentucky, it is hoped, has not fallen short of her sisters in demonstrations of respect to their common benefactor. She has bestowed on him the sincerest tributes of her esteem and affection, and her best wishes attend him to his native country." <sup>82</sup>

Other men of note, less interesting to Kentuckians than Lafayette, but still men not often seen in the West, also visited the state and attracted much attention. Daniel Webster, who had contemplated a trip in 1833, but was deterred by the cholera, made a visit in 1837, and John Quincy Adams touched the state's borders in 1843 at Covington

<sup>80</sup> A. Lavasseur, *Lafayette in America in 1824 and 1825; or, Journal of a Voyage to the United States* (Philadelphia, 1829), translated by John D. Godman, II, 166.

<sup>81</sup> Lavasseur, *Lafayette in America*, II, 168.

<sup>82</sup> *Niles' Register*, Vol. 29, p. 224.

and Newport. Both were received with great cordiality and hearty applause.<sup>83</sup> Webster had come out especially to show himself to the whigs of the West, who were clamoring to see him. He was accompanied by William Pitt Fessenden, later to become almost as prominent for a time as Webster himself. The journey was made down the Ohio to Maysville and thence to Lexington and on through Frankfort to Louisville. Fessenden wrote an intimate and interesting account of the trip. "Mr. Webster meets," he said, "with so warm a reception all along the shore that what with guns, dinners, speeches and the like, one is continually excited. Those Kentucky boys especially are the right sort. We arrived here in exactly the right season to see the last of the spring races. Four horses were entered. I lost eight 'hailstorms' on Maria Louisa. \* \* \* The Kentuckians, as you are probably aware, value themselves greatly on their breed of horses, and enter into the spirit of such an occasion, and it was not disagreeable to see such men as Clay, Crittenden, Robinson and others of that stamp apparently as much excited, talking as loudly, betting as freely, drinking as deeply, and swearing as excessively as the jockeys themselves. \* \* \* A 'hailstorm' is a brandy julep; a 'snow-storm' is a weaker one. The way they drink those things in Kentucky is a caution to sinners." He of necessity had to refer to the ladies, for which the state was already as famous as it was for its horses, but his first impressions were that they were no more to be admired than the New England girls. While at Lexington he said: "Give me New England ladies as yet." But he was fast changing his mind. At Frankfort he became infatuated with some, and at Louisville he saw one whom he gave "all the attention she would receive. Have since learned that she was noted for her powers of fasciation, arising more from her delightful manners than from her personal beauty; was told that she was a terrible mankiller and whistled her lovers off without ceremony." Webster and his party had nothing but praise for the Kentucky hospitality shown them.<sup>84</sup>

The character of Kentuckians, indeed, seemed to stand out in the minds of all who visited the state. Kentuckians were Westerners, as distinguished from Easterners, but all Westerners were not like the Kentuckians. In the early '30s Timothy Flint gave this general summing up of the character of the Kentuckians: "The people of this state have a character as strongly marked by nationality as those of any state of the Union. It is a character extremely difficult to describe, although all the shades of it are strongly marked to the eye of a person who has been long acquainted with them. They are not only unique in their manners, but in their origin. They are scions from a noble stock—the descendants from affluent and respectable planters from Virginia and North Carolina. They are in that condition in life which is perhaps best calculated to develop high-mindedness and self respect. They have a distinct and striking moral physiognomy, an enthusiasm, a vivacity and ardor of character, courage, frankness and generosity, that have been developed with the peculiar circumstances under which they have been placed. They have a delightful frankness of hospitality which renders a sojourn among them exceedingly pleasant to a stranger. Their language, the very amusing dialect of the common people, their opinions and modes of thinking, from various circumstances, have been very excessively communicated and impressed upon the general character of the people of the West. Their bravery has been evinced in field and forest from Louisiana to Canada. Their enthusiasm of character is very observable in the ardor with which all classes of people

<sup>83</sup> *Niles' Register*, Vol. 44, p. 364; Vol. 65, pp. 219, 220.

<sup>84</sup> Francis Fessenden, *Life and Public Services of William Pitt Fessenden* (Boston, 1907). I, 13-16.

express themselves in reference to their favorite views and opinions. All their feelings tend to extremes. It is not altogether in burlesque that they are described as boastful and accustomed to assume to themselves the best horse, dog, gun, wife, statesmen and country. Their fearless ardor and frankness and self confidence become to their young men in other parts of the West, in competition for place and precedence, as a good star. When a Kentuckian presents himself in another state as a candidate for an office, other circumstances being equal, the Kentuckian carries it. Whenever the Kentuckian travels, he earnestly and affectionately remembers his native hills and plains. His thoughts as incessantly turn toward home as those of the Swiss. He invokes the genius of his country, in trouble, danger and solitude. It is to him the home of plenty, beauty, greatness and everything that he desires or respects. This nationality never deserts him. No country will bear a comparison with his country; no people with his own people. English are said to go into a battle with songs about roast beef in their mouths. When the Kentuckian encounters dangers of battle, or of any kind, when he is even on board a foundering ship, his last exclamation is, 'Hurrah for old Kentucky.'"<sup>85</sup>

Frontier conditions had gone, but their effects on Kentucky character remained. Directly after the War of 1812 an observer said, of Lexington society in particular: "The log cabins had disappeared, and in their places stood costly brick mansions, well painted and enclosed by fine yards, bespeaking the taste and wealth of their possessors. The leathern pantaloons, the hunting shirts and leggins have been discarded, for the dress and manners of the inhabitants had entirely changed. \* \* \* The inhabitants are as polished, and, I regret to add, as luxurious as those of Boston, New York or Baltimore, and their assemblies and parties are conducted with as much ease and grace as in the oldest towns in the Union."<sup>86</sup> James Lane Allen spoke of the transition, especially in an economic sense, thus: "But from the opening of the nineteenth century things grew easier. The people, rescued from the necessity of trying to be safe, began to indulge the luxury of wishing to be happy. Life ceased to be a warfare and became an industry; the hand left off defending and commenced acquiring; the moulding of bullets was succeeded by the coming of dollars."<sup>87</sup> The typical Kentucky character had a strong commingling of pioneer days in its make-up; and indeed in some souls it was so deeply impressed as to make it almost impossible for them to forget "the good old times." It was noted in the early '30s that the "aged settlers look back to the period of this first settlement as a golden age. To them the earth seems to have been cursed with natural and moral degeneracy, deformity and sterility, in consequence of having been settled."<sup>88</sup>

But the rough mould in which Kentucky character began left beauty and finesse impressed upon it. "The patriarchal pioneers of these backwoods men were people of a peculiar and remarkable order, trained by circumstances to a character which united force, hardihood and energy in an astonishing degree. Opinion has generally invested them with a predominance of rough traits and rough habits, approximating the character of the Indians. They were in fact as much distinguished by an ample basis of gentlemanly character and chivalrous notions of

<sup>85</sup> Flint, *History and Geography of the Mississippi Valley*, I, 368, 369.

<sup>86</sup> Samuel R. Brown, *The Western Gazetteer or Emigrant's Directory* (Auburn, N. Y., 1817), 91-94.

<sup>87</sup> James Lane Allen, "Kentucky Fairs" in *Harper's Magazine*, Vol. 79 (September, 1889), 555.

<sup>88</sup> Flint, *History and Geography of the Mississippi Valley*, II, 351. The present writer has heard the same sentiments expressed by old inhabitants of the present time.



honor and justice as for strength, firmness and bravery." The paradoxical and antithetical character of the Kentuckians was vividly set forth by Jacob Burnet as he had known and observed it in the early '40s. As a person traveled through the country, he said, he might note the mistress of the farm-house whiling her time in the rocking chair, and when he should reach the town he would find her helpmate "talking politics at the tavern door." He described the typical small town as looking old and decrepit, houses there were with chimneys that looked "more ancient than the Pyramids," and the hotel "red and brick, and brazen, is the symbol of impudence and brutality—of that Heathen Democracy whose life-blood is whiskey, and whose breath is oaths.

"Let us join the group round the old gentleman who, with his chair in the street, his feet on the window-sill, his left hand in his ruffled shirt-bosom, and his cud in his cheek, is laying down the law, pointed off with spurts of tobacco juice. These men, common as they look, are not common men; lazy as they appear, leaning against the shoulder-polished door-posts, they are full of energy and ability. Such men as these won the battle of Buena Vista, and will rule the world if they choose to. Here is one, hard-featured and stern, with full veins, with a complexion like half-tanned ox-hide, who would, like Harry Daniel, of Mount Sterling, murder the brother of his wife and see her go crazy, and yet walk his way with an easy conscience, or, at any rate, the pretense of one. Next to him sits a man who could wage war with the human race for a lifetime and enjoy it—a man of the Middle Ages, with all the vices of feudalism and all those of our money-seeking age combined. He has made his fortune by hunting up invalid titles, purchasing and prosecuting the legal claim, and turning the innocent holder to the dogs. And yet at home no one is kinder, more thoughtful, almost self-sacrificing. Send him to Mexico, and humanity is capable of no crime from which he would turn, or at which he would shudder. Take him to Boston, and his manner will be as pleasing as his conversation will be original. Search his pockets, and you will find a plan for defrauding a neighbor of his farm, a most affectionate letter to an absent daughter, a bowie-knife, and 'Paradise Lost.'

"Beyond him, notice that face. How clear the eye, how confident the mouth, how strong and firm the chin! If he speaks, you will hear a voice like the Eolian harp, pouring forth words of such sweetness that the bees might cling upon his lips. If he moves, it is the Indian motion, quiet and strong as sunlight. In his mind the Higher Democracy is forming itself a home, and amid the low contests of politics he will be unconsciously acting as the messenger of the great Friend of man. Another comes by with a quick, springy step, as if with ankle-joints of India rubber; he stops, joins in the discussion; words pour from his tongue more rapidly than the ear can drink them in; he looks 'round, his eye all seriousness and his mouth all smiles; men catch his idea, though they cannot his syllables, and their nods shows that he has hit some nail on the head. That man, slight as a girl, might be safely trusted to lead any corps in any battle, and yet in his life he never struck a blow. Go for ten miles 'round, inquire in any household, and you will hear of him as the kind adviser, the steadiest friend, the unostentatious helper; many a son has he saved from the gambling-table, the race-course, or the deadly duel, begun with rifles and finished with knives—and he, too, is a child of the soil.

"Now consider that, while the murderer and the victim of assassination become known to you through the press, the virtues of the patriotic politician or the village philanthropist make no noise in the world. Believe us, also, that, while the towns and taverns of these Western States, reeking with tobacco and whiskey, are symbols of the evil Democracy of our land, and the bullies and cut-throats, the knaves

and robbers, are its true children; and though you might, on first looking at such a society as you may see in almost any Western town, think anarchy was close at hand, yet are the villages ever improving, the taverns themselves growing more decent, and anarchy is going farther and farther away. \* \* \* You find, consequently strange mixtures of statute law and Lynch law, of heathen brutality and the most Christian excellence, of disregard for human life and self-forgetting philanthropy. But amid all the confusion you may find evidence, we believe, that the Higher Democracy, the rule of God, is advancing." It should be remembered that "Kentucky began in anarchy and has risen to law—that she was once the Alsatia of the United States, and is now in comparison quiet and peaceable—that she once hung to the Union but by a thread, and is now bound to it by clamps of iron; and you cannot but have some faith in the workings of Democracy."<sup>89</sup>

The convivial nature of Kentuckians, as well as their strong ideas of freedom and belief in their ability to protect it, was shown in an incident related by Lafayette's secretary. On passing out of the state toward Cincinnati he has chanced to meet with a Kentuckian "who was smoking his segar at the door of his house" and who invited him in, offered him whiskey and tobacco, and began to bombard him with questions. Napoleon was mentioned in the course of the conversation, whereupon the Kentuckian commiserated freely with the lot of the famous Corsican and blamed him for giving himself up "to the English government, whose perfidy he has so often experienced." He added that Napoleon could have found a hospitable home in America. On being told that Napoleon might have developed designs against the liberties of the American people, he replied: "We should have considered such an attempt as an act of madness, but if, against all probabilities, we had submitted for a moment to his tyrannous ascendancy, his success would have been fatal to him. Look at that rifle [pointing to one in the corner of the room]; with that I never miss a pheasant in our woods at a hundred yards; a tyrant is larger than a pheasant, and there is not a Kentuckian who is not as patriotic and skilful as myself."<sup>90</sup>

Among the institutions growing up which had a distinct social significance, the fair, already mentioned in connection with its economic importance, was perhaps the most spectacular. Not until the period of the '30s and '40s did the social features develop. Now it was much more than a cattle show; it marked a week or more of festivities, looked forward to by young and old, slave and free, when love-making, electioneering, fighting, racing, and general jollification reigned. Numerous visitors from the South timed their trips to the state for this occasion, both to visit relatives and to make friends. For the slaves, fair days were gala days; acres of them came and were glad in their simple way.<sup>91</sup>

Another institution of much social importance (for an institution it really was) was County Court Day. This was the day, coming as regularly as the months, when the judges of the county held court and dealt out justice. It was a day that the whole county observed by com-

<sup>89</sup> Jacob Burnet, "Notes on the Early Settlement of the Northwestern Territory" in *North American Review*, Vol. 65 (October, 1847), 335-338, 348. For other points in Kentucky social conditions and character, see Capt. Marryat, *A Diary in America with Remarks on Its Institutions* (Philadelphia, 1839), II, 20; Harriet Martineau, *Society in America* (New York, 1837), I, 203. Charles Dickens sang the praises of Louisville's fine hotel, the Galt House: "We slept at the Galt House; a splendid hotel; and were as handsomely lodged as though we had been in Paris, rather than hundreds of miles beyond the Alleghanies." Charles Dickens, *Pictures from Italy and American Notes* (New York, 1885), 369.

<sup>90</sup> Lavasseur, *Lafayette in America*, II, 171, 172.

<sup>91</sup> Allen, *Kentucky Fairs*, 555-568 (*Harper's Magazine*, Vol. 79).

ing to the county seat for the occasion. The aristocrat rode in his coach with servants, the more lowly came in various wheeled vehicles, rode horseback, or trudged along on foot. Activities of all sorts developed; athletic contests were staged, politics made and unmade, wars declared and peace concluded, and trading in the products of the countryside engaged in. This was especially the day of all days when grudges were aired and quarrels settled. According to James Lane Allen: "The justices sat quietly on the bench inside, and the people fought quietly in the streets outside, and the day of all the month set apart for the conservation of the peace became the approved day for carrying on individual war." He who would settle his quarrels "availed himself liberally of election day, it is true, and of regimental muster in the spring and battalion muster in the fall—great gala occasions; but county court day was by all odds the preferred and highly prized season. It was periodical and could be relied upon, being written in the law, noted in the almanac, and registered in the heavens." But these fights were after all not vicious, for they were most commonly ended in hand-shaking and sealed in drinking.<sup>92</sup>

As a magnet for the more elite social gatherings the various mineral springs were developed early and were kept going in varying splendor down until the Civil war. The nineteenth century had scarcely begun before the Olympian Springs were attracting visitors. Prior to 1805 a central hotel building had been constructed here, a number of cottages set up, and a dining hall provided to accommodate 100 guests. Ample room and accommodations were promised for all who, "prompted by disease or pleasure," wished to come.<sup>93</sup> Greenville, or Harrodsburg Springs, was also developed early and had a long life as a summer resort.<sup>94</sup> Among the other resorts that attained fame in their day were White Sulphur Springs, established by Col. Richard M. Johnson; Blue Lick Springs, and Drennon Springs.<sup>95</sup> A gay and gorgeous whirl of society grew up at these resorts, composed of belles and beaux from throughout the South, with a strong admixture of politicians and prosperous business men. Some of the leaders of the nation sought rest here from their arduous duties and held conferences and made plans for the future. At some of these resorts as many as 500 people might be present at one time, and perhaps 1,000 for the whole season. The hot climate of the South drove many each summer to the Kentucky resorts, and tied tighter the social bonds of the state with the rest of the South. As was said by one: "It was the grand summer rallying of Southern belles and beaux; it was the realm of romance and flirtation."<sup>96</sup> In 1823 the rates at Harrodsburg Springs were, for adults, \$16 in specie per month; for children and servants, one-half the regular price; and for horses, \$6 per month.<sup>97</sup> In 1822 Olympian Springs promised its guests the best food the country could produce and particularly called their attention to the "fine VENISON" served to its patrons. It also announced that it had supplied its "BAR with choice liquors," and that for those wishing to hunt, "as fine a PACK as ever went in a chase" would be at their service.<sup>98</sup>

<sup>92</sup> James Lane Allen, "County Court Day in Kentucky" in *Harper's Magazine*, Vol. 79 (August, 1889), pp. 383-397.

<sup>93</sup> *Kentucky Gazette*, April 9, 1805. Also see life there *Ibid.*, Sept. 17.

<sup>94</sup> See advertisements in *Reporter*, June 3, 1809, *Kentucky Gazette*, July, 1822.

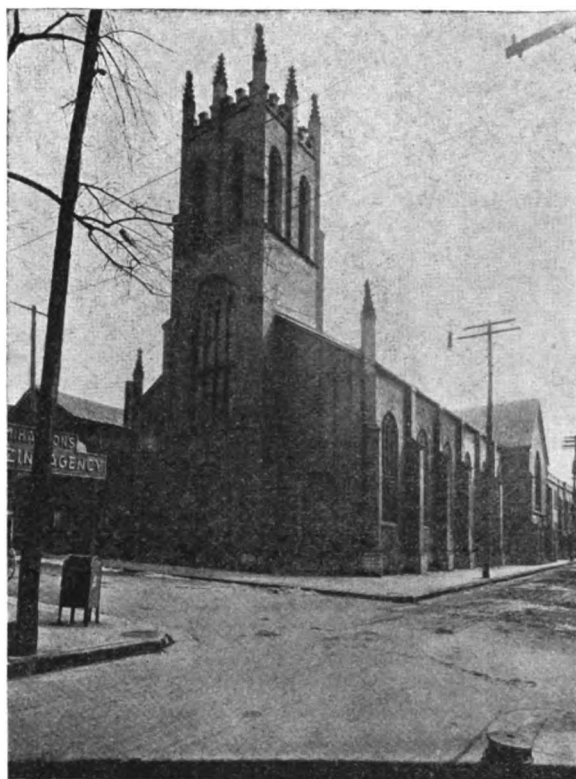
<sup>95</sup> See *Kentucky Gazette*, Oct. 3, 1839, etc., and other Kentucky papers for advertisements and accounts.

<sup>96</sup> Sally E. M. Hardy, "Old Kentucky Watering Places" in *American Historical Register*, II (1895), 1385-1400. See also *Letters on the Conditions of Kentucky in 1825*, p. 55.

<sup>97</sup> *Kentucky Gazette*, Aug. 14, 1823.

<sup>98</sup> *Ibid.*, July, 1822. For other facts concerning Kentucky watering-places see Flint, *History and Geography of the Mississippi Valley*, I, 354.

Amusements as afforded by the theatre and travelling shows and menageries made their appearance during this general period and grew to considerable proportions before the Civil war. An elephant, as already noted, had been shown to Kentuckians in the early years of the nineteenth century; other "wonderful works of nature," such as lions and leopards, soon made their appearance, and by 1830 the Egyptian mummy," this interesting "remnant of antiquity," was being shown to an amazed people in Frankfort. According to the announcement, "Those who would make up an acquaintance with the subject of one of the Kings of Egypt, who built the Pyramids, should pay a visit to this remnant of antiquity."<sup>99</sup> The theatres not only produced their outside



EPISCOPAL CHURCH, FIRST IN KENTUCKY  
Over One Hundred Years Old

attractions, but also their home productions. In 1823 a Lexingtonian wrote for a local theatre a play entitled "Daniel Boone, or the First Settlers of Kentucky."<sup>100</sup>

The intellectual and moral renaissance which characterized the national consciousness from 1830 to 1860 was well reflected in Kentucky. Such activities as newspapers, free public education, temperance and prohibition laws, slavery opposition, and religious development, have either been treated already or yet remain to be taken up.

Religious feeling in some of the denominations still expressed itself in the spectacular camp-meeting. A traveler described one he attended near Harrodsburg: "Our camp meetings in New York bear no com-

<sup>99</sup> *Argus*, Sept. 22, 1830.

<sup>100</sup> *Kentucky Gazette*, Dec. 25, 1823.

parison to it in point of numbers. The day was favorable; the minister stood on a scaffolding erected for the occasion, in the center of a handsome woods, free from brush or logs; the hearers to the number, as I judged, of at least 10,000, stood in concentric circles around the orator. The number of horses and carriages was absolutely incredible; and I do not enlarge when I say that they literally covered twenty acres of ground."<sup>101</sup> Another contemporary observed that "Religious excitements are common and carried to the highest point of emotion. Religion, in some form, seems to be generally respected, and there is scarcely a village or populous settlement in the state that has not one or more favorite preachers. \* \* \* But notwithstanding the marked enthusiasm of the character of this people, notwithstanding they are much addicted to bitter political disputation, notwithstanding all the collisions from opposite parties and clans, as a state the people have uniformly distinguished themselves for religious order, quiet and tolerant."<sup>102</sup>

As a general practice, the denominations of the state did not leave their purely religious field, restricted as orthodoxy had made it, to engage in the more secular problems of the day. Although slavery still cast its shadows across their paths, they took a less conspicuous part in that burning question than their earlier attitude had warranted, until the approaching dissolution of the Union forced it upon them again. Now and then a denomination took note of political or economic problems that seemed to fall within its ken as a religious organization. Usurious rates of interest were no less, according to the Presbyterian Synod, and it exhorted Presbyterians to exact no more than six per cent, which the laws of the state allowed.<sup>103</sup> There was also a rather persistent, if not wide, opposition against carrying mails on Sunday. In 1830 petitions were sent in to Congress against a continuance of this practice. According to a memorial, "Your memorialists plead that respect which is due to Bible duties, in all Christian communities, as a sufficient argument to induce the Government to abstain from Sabbath violations." It was argued that Sunday mails would "tend to impair the moral influence of that day," and it was urged, with rather unfortunate imputations to the petitioners' motives, "that conscientious Christians are precluded from an equal participation in the emoluments of office."<sup>104</sup> Opposition immediately sprang up against this attempt to interfere with the regularly ordered life of the nation. Petitions were sent in asking Congress not to interfere with the carrying of mails on Sunday, arguing the inconvenience it would cause, and warning it of the unfortunate precedent it would establish of the state interfering in religious questions. It was also added: "And, if we may judge by the number and respectability of those who have filled the offices of the Department, from the highest to the lowest, many of them professors of religion, we must believe that the number who would be excluded from office by their conscientious scruples would be astonishingly small."<sup>105</sup> The Baptists, Methodists and Presbyterians continued to be the predominating religious denominations in the state, with Episcopalians and Roman Catholics not without their influence and numbers.<sup>106</sup>

The temperate movement, which had flared up in certain parts of

<sup>101</sup> Brown, *Gazetteer*, 114.

<sup>102</sup> Flint, *History and Geography of the Mississippi Valley*, I, 369.

<sup>103</sup> Collins, *History of Kentucky*, I, 47. The discussion of interest rates was before the people for many years. In 1856 the Legislature resolved, "That the banks of the State by usurious dealings in bills to an unprecedented and alarming extent, have perverted the great powers and privileges conferred upon them by their charters, and disappointed the just expectations of the people of Kentucky." *Acts of Kentucky*, 1855, I, 139.

<sup>104</sup> *American State Papers, Post Office*, 235, 261.

<sup>105</sup> *Ibid.*, 261.

<sup>106</sup> For religious statistics in 1832 see *American Almanac*, 1832, 251.

the nation at different times since the War of 1812 and which was marked by a wider and more persistent agitation about 1826, made its appearance in considerable force in Kentucky in the early '30s.<sup>107</sup> The movement first expressed itself in the organization of small local societies as auxiliaries of church congregations. Robert J. Breckinridge early enlisted in the movement and was a power in its spread over the state. He was in constant demand as a speaker for the societies. In 1831 he delivered an address before the Woodford Church Temperance Society, which was published in pamphlet form and was distributed widely over the state.<sup>108</sup> Besides the numerous local societies, there existed the Kentucky Temperance Society, which had about 250 members in 1831. It was suggested that branch societies be formed "in the neighborhood of each church and religious society."<sup>109</sup> These societies stood for a total abstinence from the use of ardent spirits and wines in a state that had already established a far-flung reputation for its fine whiskies. Moral suasion was the general method resorted to at first, but not a great deal of success was had, and so the political weapons were soon threatened and later taken up. The temperance society founded at Augusta announced that it would "use all prudent means against the use of ardent spirits and wines, except for medicine or wine for sacramental occasions, and refuses to support candidates for office who use ardent spirits for electioneering purposes, or are themselves addicted to their intemperate use."<sup>110</sup> A wave of enthusiasm swept over the state in 1842 when two reformed drunkards carried on a campaign of speech-making for total abstinence. Whole communities signed the pledge, and saloon-keepers at some places were converted and closed their shops.<sup>111</sup> With the approach of the Civil war, when old parties were going to pieces and people were groping for new party allegiances, the temperance party suddenly arose into considerable political prominence, to be noted hereafter.

With the coming of the Civil war, the life of the state was thrown into war conditions, and it emerged greatly changed from ante-bellum times, with new concerns and a different outlook.

<sup>107</sup> See McMaster, *History of the People of the United States*, IV, 527-532; Fish, *The Development of American Nationality*, 288, 289.

<sup>108</sup> One of these pamphlets is preserved in *Breckinridge MSS.* (1831).

<sup>109</sup> *Argus*, March 2, 1831. A society was formed at Perryville (said to be the first in the state) in 1831 with 507 persons signed on its rolls. Autobiography of J. J. Polk, 80, 81.

<sup>110</sup> This was an early example of the threat to take the question into politics—1831. Collins, *History of Kentucky*, I, 36.

<sup>111</sup> *Ibid.*, I, 47.

## CHAPTER LVIII

### SLAVERY

The development of the state along every line was either directly or indirectly affected by slavery. Its shadows fell across every path of progress; it obtruded itself, either secretly or openly, into almost every question of the day. Travelers in the state noted with regret its presence. "A Pedestrian" in 1818 observed that a great many of the settlers "came from Virginia, and, unfortunately for our common country, they brought with them their slaves. What a source of regret is it, that Kentucky did not prohibit, within her jurisdiction, the bondage of those friendless beings!"<sup>1</sup> Substantial opposition to slavery was first based on economic considerations. Henry Clay declared in 1829 that slavery had placed "us in the rear of our neighbors, who are exempt from slavery, in the state of agriculture, the progress of manufactures, the advance of improvements, and the general prosperity of society."<sup>2</sup> It not only prevented many settlers from coming to Kentucky, but it actually drove away many Kentuckians to the free states north of the Ohio.<sup>3</sup> A Kentuckian in 1833 made a sweeping indictment of the institution, charging it with widespread evil effects. He asserted that the slaves "have done grievous harm already, by hindering our growth, keeping us far behind our sister states, impoverishing our soil, corrupting our morals and manners. \* \* \* We believe that slavery in our state is unprofitable and ruinous, to say nothing of other objections; and as a question of political economy we assert that it imposes upon us a heavy and ever increasing tax which must be taken off or sooner or later beggary and decay must be our portion. It is madness to try to wink these things out of sight; it is folly to pretend to deny them. All experience and observation, all history and the present condition of Virginia and Maryland speak with a trumpet voice. \* \* \* The latter has already begun to take measures to regenerate its sinking fortune. \* \* \* Though blessed with a fruitful soil, with many natural advantages, they see and acknowledge that their lands have every year been growing poorer, that they are slowly but certainly sinking in political importance."<sup>4</sup>

Slavery here had its usual effects on social classes, but with less marked emphasis. The "poor whites" were not quite so hopeless or so numerous as in the states further south. But the inevitable result of slavery in creating an aristocracy, marked by a spirit of superiority as well as the possession of greater wealth, was quite evident. A visitor in 1816 noted that "the rich hold labor in contempt, and frequently make the possession of slaves a criterion of merit; that is, most farmers would make a marked distinction between two young gentlemen, one possessing slaves, the other not, but equal in point of property, personal accomplish-

<sup>1</sup> Estwick Evans, "A Pedestrians Tour of Four Thousand Miles Through the Western States and Territories during the Winter and Spring of 1818" in Thwaites, *Early Western Travels*, VIII, 94-364.

<sup>2</sup> Colton, *Life and Times of Henry Clay*, I, 190.

<sup>3</sup> See Sir Charles Lyell, *A Second Visit to the United States of North America* (New York, 1849), II, 210. Chillicothe, Ohio, was settled largely by emancipationists from Bourbon County, Kentucky.

<sup>4</sup> *Louisville Herald*, May 16, 1833, quoted in I. E. McDougale, *Slavery in Kentucky, 1792-1865*. (Reprinted from *Journal of Negro History*, III, No. 3, July, 1918), 67.

ments and moral endowment, who should pay their addresses to his daughter, the suit of the slaveholder would be favorably received, while that of his rival would be disdainfully rejected."<sup>5</sup>

The position of the slaves was not marked by excessive severity. The nature of the labor to be performed made their lot fairly easy. No great cotton, rice, or cane fields in malignant climates under a torrid sun wore out the life of a Kentucky slave. Great gangs of slaves were seldom met with; rather a few made up the possession of the average Kentucky slaveholder, and they were used as household servants or field hands, working with their masters often.<sup>6</sup> The custom gradually grew up among many masters of letting their slaves go out and hire themselves wherever opportunity offered. Many of these wandering slaves congregated in Lexington and other towns and became a nuisance, if not a danger, to the community, with their petty larcenies—stealing and concealing. Lexington passed ordinances imposing a fine upon masters who allowed their slaves these liberties, but conditions were little remedied.<sup>7</sup> Up until the last decade before the Civil war, selling slaves to the far South was little engaged in as an ordinary business. What commerce in slaves actually existed was not generally based on the sole motive of profit or gain. A master in urgent need of money would sell his slaves, so would a master who wished to solve the problem of unruly slaves. But often this latter problem could be settled by the mere threat "to sell him south." Slaves were also sold on the interstate slave trade to satisfy legal and technical requirements. In order to settle an estate slaves often had to be sold, and runaway slaves captured and held for one year unclaimed were required by law to be sold, and often found their way into the slave trade. Of course, there was much more slave traffic within the state than to other states and was much less objectionable. Breaking up families was condemned by the best sentiment in the sale of slaves. The concern for family integrity in one instance is illustrated in a letter from James Porter to Robert J. Breckinridge, which follows in part: "I have a boy, Jack, that has married a girl belonging to Alf. Shelby's Estate. And as I propose moving to Missouri in a short time, I propose to you either to buy his wife or to sell you the boy. If you are wanting a boy, you cannot get a better servant, or one that is more valuable. I am now offered and can get at any time one hundred dollars a year hire. If you do not wish to buy, I will give a fair price for his wife, to keep from parting them, for I should dislike very much to do it, as he is a favorite servant and a good boy."<sup>8</sup>

Many people in the state were opposed to slavery in varying degrees. Perhaps a majority of them would at any time have welcomed a miraculous metamorphosis of the state with slavery and all its effects left out. But slavery was a condition and not a theory in Kentucky, as it was indeed for the rest of the South, and it was therefore necessary to deal with it in a practical rather than visionary way. The freeing of the slave did not remove one of the great evils of the system, and it indeed immediately brought about problems of even greater moment.

<sup>5</sup> *Brown, Gazetteer*, 113, 114. N. S. Shaler said "Short of a great difference of race, there is no basis of social distinction that man has invented which is so trenchant as that which separates the slave-owner from the non slave-owner." *Kentucky*, 225.

<sup>6</sup> For statistics see *Eighth Census* (1860). Also see N. S. Shaler, "Chapters from an Autobiography" in *Atlantic Monthly*, Vol. 103 (January, 1909), 45-57. In a strong anti-slavery manifesto, John C. Young admitted that "Many circumstances operate here to mitigate the rigors of perpetual servitude; and it is probably the fact that no body of slaves have been better fed, better clothed, and less abused, than the slaves of Kentucky." "An Address to the Presbyterians of Kentucky, proposing a Plan for the Instruction and Emancipation of their Slaves, by a Committee of the Synod of Kentucky" in Stanton, *The Church and the Rebellion*, 431.

<sup>7</sup> *Kentucky Gazette*, Jan. 16, 1823.

<sup>8</sup> *Breckinridge MSS.* (1848). Letter dated Danville, June 12, 1848.



Emancipation did not give education to the freedman, neither did it make him a good citizen. The problem of emancipation to most Kentuckians could only be solved by the removal of the negro freed. And this idea was embraced more or less prominently in all the early emancipation or abolition societies in the state. In 1815 the Kentucky Abolition Society petitioned Congress to set apart a portion of the public domain somewhere for the colonization upon it of all negroes set free. In its plea it observed that the free negroes "from their poor and degraded situation where they at present reside \* \* \* are suffering many privations for the want of room and opportunities for the expansion of genius and encouragement to industry." Congress, refusing to pursue a policy partial to any group of people, dismissed the petition.<sup>9</sup> But it was nevertheless true that the lot of the free negro was precarious and uncertain in the extreme. He was an anomaly in the scheme of society, an outcast in the eyes of all whites and spurned by the slaves. He had no political privileges, and was in constant danger of being reenslaved through mistake or design. According to Henry Clay, "Of all the descriptions of our population, and of either portion of the African race, the free people of color are by far, as a class, the most corrupt, depraved and abandoned. \* \* \* They are not slaves, and yet they are not free. The laws, it is true, proclaim them free, but prejudices more powerful than any law deny them the privileges of freemen. They occupy a middle station between the free white population and the slaves of the United States, and the tendency of their habits is to corrupt both."<sup>10</sup>

It was, therefore, with eagerness that the American Colonization Society, an organization founded in 1816 principally by Southerners for the purpose of transporting slaves to Africa, was seized as a solution to the problem. The Kentucky Colonization Society was organized in 1823 as an auxiliary to the national society, and was followed four years later by another branch. In 1832 there were thirty-one divisions scattered over the state. The opposition that had greeted the early emancipation societies of the state was lacking in connection with the colonization societies. Many of the most conservative and respectable citizens of the state belonged to these societies and worked for their success. For a time the interest of the state in the slavery question was directed toward them as offering the only solution. The Legislature declared in 1827 that no jealousies or opposition ought to exist in Kentucky or in any other slave state toward the colonization society, "on the objects of this society, or the effects of its labors." It also resolved that it viewed "with deep and friendly interest the exertions of the American Colonization Society in establishing an asylum on the coast of Africa, for the free people of color of the United States."<sup>11</sup> A call was made upon the Federal Government to protect the movement and to appropriate money in its aid.<sup>12</sup> During 1832 numerous petitions were circulated through the state for signatures, to be forwarded to Congress, calling upon the United States to help send the free blacks to Africa, suggesting that the surplus revenues from the sale of public lands might be so used, and calling attention to the dangers of the increasing free black population.<sup>13</sup>

Henry Clay, who had been identified with the gradual emancipationists from almost his first day in the state and who was at one time president of the American Colonization Society, took a great interest

<sup>9</sup> *American State Papers, Miscellaneous*, II, 278, 279.

<sup>10</sup> Quoted in Martin, *Anti-Slavery Movement in Kentucky*, 49.

<sup>11</sup> *Acts of Kentucky*, 1826, pp. 196, 197. Resolution dated January 16, 1827. Also see *Niles' Register*, Vol. 32, p. 80.

<sup>12</sup> *Niles' Register*, Vol. 35, p. 387.

<sup>13</sup> A sample copy may be found in *Breckinridge MSS.* (1832).

in the colonization movement in Kentucky. At the meeting of the state society in 1829 at Frankfort, he said: "If we were to invoke the greatest blessing on earth, which heaven, in its mercy, could now bestow on this nation, it would be the separation of the two most numerous races of its population and their comfortable establishment in distinct and distant countries. \* \* \* Who, if this promiscuous residence of whites and blacks, of freemen and slaves, is forever to continue, can imagine the servile wars, the carnage and the crimes which will be its probable consequences, without shuddering with horror?"<sup>14</sup>

The movement was soon bearing fruit. In 1833, Rev. Richard Bibb liberated thirty-two of his slaves, provided them with \$444 and started them on their way to Liberia. In March of the same year 106 negroes left Louisville for the same destination, all but ten being from Kentucky. According to the report, "The emigrants left Louisville in high spirits, having been liberally provided with money and provisioned by the people of Kentucky. They were to be conveyed to New Orleans, free of expense, in the elegant steamboat, *Mediterranean*, accompanied by the secretary of the Kentucky Colonization Society."<sup>15</sup> As a method calculated to make success more certain from the standpoint both of the blacks after they should arrive in Liberia and also of the Kentuckians in arousing enthusiasm, a "Kentucky in Liberia" was set up. This was a separate tract of land in Liberia where all negroes from Kentucky should be sent, where they might work and build up their destinies together. Each year a few negroes were sent out, but never a very appreciable number. Preparations were being made in 1845 to send 200, but the number who actually went each year was much less. In 1853, 63 were sent in a party; in 1855, 58, and in 1856, 61.<sup>16</sup> In 1845 an attempt was made to have the Legislature send all the free negroes in the state to Liberia, the state agreeing to pay their passage thither and afford them provisions.<sup>17</sup> Those who actually went to Liberia were made up of free negroes, as well as those liberated for the purpose.

The national society agreed to let Kentucky spend all the money she should collect for sending her own negroes to Liberia. Efforts were early made to secure state aid, but not until 1856 was anything substantial received, when in this year the Legislature appropriated \$5,000 annually for the purpose.<sup>18</sup> But the colonization plan was a forlorn hope from the very outset. The amount of money necessary was many times larger than could ever have been raised, even had all slave-owners been willing to free their slaves without compensation—which was, of course, never the case. The whole colonization movement throughout the entire country is said to have removed in nineteen years the natural increase of only 9½ days.<sup>19</sup>

For a time the Kentucky Colonization Society engaged the main interest of the state on the slavery question. Prior to this the Kentucky Abolition Society, which had grown out of the Baptist slavery activities in 1808, had thrived for a time, and efforts were made in 1817 to strengthen the society by organizing a branch in Frankfort among the legislators. Nothing, however, came of this attempt.<sup>20</sup> In 1822 it had established a newspaper at Shelbyville, called the *Abolition Intelligencer and Missionary Magazine*. It came out only once a month, but it found a sentiment too weak to support it, and, being unable to strengthen it,

<sup>14</sup> Colton, *Life and Times of Henry Clay*, I, 191.

<sup>15</sup> *Niles' Register*, Vol. 44, p. 98.

<sup>16</sup> *Ibid.*, Vol. 68, p. 362; Collins, *History of Kentucky*, I, 68, 74, 76.

<sup>17</sup> Martin, *Anti-Slavery Movement in Kentucky*, 52-54.

<sup>18</sup> Collins, *History of Kentucky*, I, 76.

<sup>19</sup> Fish, *Development of American Nationality*, 164.

<sup>20</sup> Breckinridge MSS. (1817). Letter from N. Burrows to Joseph C. Breckinridge, Jan. 23, 1817.

after issuing twelve numbers, it ceased to exist. About 1827 the society itself died a natural death; the colonization society was by this time monopolizing the public interest.<sup>21</sup>

But there was of necessity some purely emancipation sentiment left, despite the popularity of colonization. Many people saw that what little emancipating was done to afford freedmen to take to Liberia could never touch the real solution of slavery, and some refused to deny themselves the opportunity to work for general emancipation, gradual though it might be. In 1828 a petition came up to the Legislature from Hopkins County praying that body that something be done toward the cause of emancipation. In its answer the Legislature admitted that slavery was an evil that all wished to be rid of, but it reminded the petitioners that Kentucky could not deal with the question like the Northern States, which had no negro population. "With them," it said, "the evil to be subdued was a pigmy; with us it is a monster; with them a superfluous and decaying limb was to be removed; with us the destroying worm is to be sought in the roots. There the system, full of health and vigor, submitted cheerfully to the simple cure; here the disease, exhibiting itself in its greatest strength and worst form, must receive a different treatment and be gradually subdued by persevering but not abrupt remedies."<sup>22</sup> A new emancipation society was desired, which should be very considerate of the slaveholders, but which would carry forward a definite program toward the ultimate freeing of all slaves. Different plans were being considered, but all pointed toward gradual emancipation. In 1831 John Green wrote Robert J. Breckinridge advocating the organization of a society whose members should pledge themselves to free all their slaves born after the following Fourth of July, the males at twenty-five and the females at twenty-one. He also suggested that prizes be offered for the best essays on the subject of emancipation and that they be published and distributed. "Let us proceed circumspectly," he said, "and fortify as we go. Let no untenable ground be occupied—and above all avoid mystery."<sup>23</sup>

Breckinridge was interested in the movement, but apparently was not proceeding fast enough to suit Green. The latter was very anxious to organize the society as soon as possible. In a later letter he said: "Public opinion will not remain stationary. The spirit of emancipation must advance or its antagonist, the slave-holding policy, will prevail, and we shall soon have gag laws passed, as in the South, which will put an effectual stop to all our efforts. Let us then have our meeting, organize the society and commence publishing our sentiments in every quarter of the state. We can take the non-slaveholders with us, and they constitute the majority. With the slaveholders, the principal danger arises from insisting too much on the *present tense*. If you invite them to consider the measure as a work to be effected at some indefinite future day, they look on it as a thing that does not immediately effect [sic] their interests. It is only when you call on them to act *now* that their feelings revolt from it as from present death."<sup>24</sup> A few societies were organized within the following few years, but were of short lives. In 1833, under the influence of James G. Birney, a Kentuckian born in Danville, "The Kentucky Society for the Relief of the State from Slavery" was formed, with only nine members to begin with. For the next year or two it seemed to show some life, increasing to about seventy members and building up a few branches, but it soon thereafter died down. Another society was formed about the same time, known as the

<sup>21</sup> Martin, *Anti-Slavery Movement in Kentucky*, 40-48.

<sup>22</sup> Breckinridge MSS. (1828).

<sup>23</sup> Breckinridge MSS. (1831). Letter dated January 12, 1831.

<sup>24</sup> Breckinridge MSS. (1832). To Robert J. Breckinridge, dated September 17, 1832.

Ashmum Association, but it had even a more speedy death than the former.<sup>25</sup> As the first move in the effort to emancipate the offspring of slaves at a given time, fifty slaveholders agreed to meet in Lexington on July 4, 1832, "under the conviction that there are insurmountable obstacles to the general emancipation of the present generation of slaves, but equally convinced of the *necessity and practicability* of emancipating their *future offspring*."<sup>26</sup>

Attacks on slavery wherever it existed were now moving forward with uncompromising vigor and intolerance, carried forward by Benjamin Lundy and William Lloyd Garrison. This was to be a war of aggression against a union with slaveholders; and the Constitution, which supported such a union was "a league with death and a covenant with Hell." Birney succeeded in bringing Kentucky directly into the movement by organizing in 1835 the Kentucky Abolition Society as a branch of the American Anti-Slavery Society, founded by Garrison two years previously. This represented a brand of slavery opposition which was new to Kentuckians; no half-way measures, such as gradual emancipation, were now to be used to waste time upon. Emancipation, immediate and complete, obtained by fair means or foul (for the cause hallowed the means), was now the battle-cry. This had the direct effect of killing at one blow the various emancipation organizations in the state, for the great body of Kentuckians were not yet willing to try so desperate a remedy as immediate emancipation, neither were they ready to be given advice by outsiders on a question which they considered to be peculiarly their own concern. When Kentuckians caught the significance of the movement almost consternation reigned. Meetings were held widely over the state, which passed resolutions of denunciation. One of the main causes that precipitated this outburst of feelings was the announcement of Birney that he would set up an anti-slavery paper, "The Philanthropist," at Danville. The indignation meeting held at Danville appointed thirty-three on a committee to draw up an address to Birney. The people were profoundly moved; they seriously proceeded to express their inalterable determination to stop Birney's paper. They said in part: "We address you now in calmness and candor that should characterize law-abiding men, as willing to avoid violence as they are willing to meet extremity, and advise you of the peril that must and immediately will attend the execution of your purpose. We propose to you to postpone the setting up of your press and the publication of your paper until application can be had to the Legislature, who will by a positive law set rules for your observance, or, by a refusal to act, admonish us of our duty. We admonish you, sir, as citizens of the same neighborhood, as members of the same society in which you live and move, and for whose harmony and quiet we feel the most sincere solicitude, to beware how you make an experiment here which no American slaveholding community has found itself able to bear." Birney, refusing to be intimidated, made preparations to establish this paper. The committee then, in order to avoid violence, bought out the printer and threatened anyone who should aid the project. The postmaster declared he would receive no abolition papers in the postoffice, if Birney published them; whereupon the latter now became convinced of the impossibility of his task and left for Cincinnati.<sup>27</sup>

Although Birney was now removed from the state and played no direct part in its slavery discussion and agitation, he left behind others who were willing to carry the fight on. In 1835 a meeting was held in Shelby County, which passed resolutions condemning slavery as "both a

<sup>25</sup> Martin, *Anti-Slavery Movement in Kentucky*, 68-72.

<sup>26</sup> *Niles' Register*, Vol. 42, p. 300.

<sup>27</sup> Martin, *Anti-Slavery Movement in Kentucky*, 74-78.

moral and a political evil, and a violation of the natural rights of man." But this meeting was not actuated by an unreasoning abolition sentiment, which had characterized Birney's latter course in the state. It declared that "the additional value which would be given to our property and its products by the introduction of free white labor, would in itself be sufficient, under a system of gradual emancipation, to transport the whole of our colored population." Its conservatism was further attested by the resolution, "That no system of emancipation will meet with our approbation, unless colonization be inseparably connected with it, and that any scheme of emancipation which will leave the blacks within our borders, is more to be depreciated than slavery itself."<sup>28</sup>

The Presbyterians, who had long been interested as a religious denomination in slavery, in 1835 issued "An Address to the Presbyterians of Kentucky, proposing a Plan for the Instruction and Emancipation of their Slaves." John C. Young, president of Centre College, was the author of the address. "We all admit," he said, "that the system of slavery which exists among us is not right. Why then do we assist in perpetuating it? Why do we make no serious efforts to terminate it? Is it not because our perception of its sinfulness is very feeble and indistinct, while our perception of the difficulties of instructing and emancipating our slaves is strong and clear? As long as we believe that slavery, as it exists among us, is a *light evil* in the sight of God, so long will we feel inclined to pronounce every plan that can be devised for its termination inexpedient or impracticable."<sup>29</sup> Slavery was declared to be bad and "in violation of the laws of God" because it deprived people of the rights of property, personal liberty, and personal security, and because it produced great cruelty on the part of master, and licentiousness among slaves, and demoralized both whites and blacks. It was a "system which exhibits powers without responsibility, toil without recompense, life without liberty, law without justice, wrongs without redress, infamy without crime, punishment without guilt, and families without marriage—a system which will not only make victims of the present unhappy generation, inflicting upon them the degradation, the contempt, the lassitude, and the anguish of hopeless oppression, but which even aims at transmitting this heritage of injury and woe to their children and their children's children, down to their latest posterity." But with all this righteous indignation, the radical abolition plans emanating from the North were not urged. Emancipation should be gradual and according to a system—a period should be set for each slave at the end of which a termination of his servitude should result. But in the meantime he should be educated for citizenship; he should be prepared to stand alone when freedom should come. According to the plan, "Let the full future liberty of the slave be secured against all contingencies by a recorded deed of emancipation, to take effect at a specified time. In the meanwhile, let the servant be treated with kindness; let all those things which degrade him be removed; let him enjoy means of instruction; let his moral and religious improvement be sought; let his prospects be presented before him, to stimulate him to acquire those habits of foresight, economy, industry, activity, skill, and integrity, which will fit him for using well the liberty he is soon to enjoy."<sup>30</sup>

But during the period, 1830-1840, the progress toward emancipation, gradual or immediate, lost ground. A reaction was setting in. The activity of northern abolitionists did an infinite deal of harm to the gradual emancipation cause in Kentucky. In the face of the onset of outside meddling, the opinion of the state tended to unite in solid opposi-

<sup>28</sup> *Niles' Register*, Vol. 48, p. 312.

<sup>29</sup> R. L. Stanton, *The Church and the Rebellion* (New York, 1864), 424.

<sup>30</sup> Stanton, *The Church and the Rebellion*, 438, 439.

tion against interference with slavery in any way. Many who had heretofore joined heartily in the movement for gradual emancipation either became lukewarm or deserted it altogether. Henry Clay, who had always been the friend of emancipation, was ill pleased at the meddling by outside abolitionists. On this he said in 1839, "Instead of advancing that cause [emancipation] by their efforts, they have thrown back for half a century, the prospect of any species of emancipation of the African race, gradual or immediate, in any of the states. The proposition in Kentucky for a gradual emancipation, did not prevail; but it was sustained by a large and respectable minority. That minority had increased, and was increasing, until the abolitionists began their operations. The effect has been to dissipate all prospects whatever, for the present, of any scheme of gradual or other emancipation. The people of that state have become shocked and alarmed by these abolition movements, and the number, who would now favor a system even of gradual emancipation, is probably less than it was in the years 1798-'9." A movement for a constitutional convention, in which the friends of emancipation were expecting to redeem Kentucky from slavery had gained great headway, and a vote was taken on the question in 1838, but disastrous failure resulted. Clay laid the failure directly to the Northern abolitionists. "But for the agitation of the question of abolition," said Clay, "in states, whose population, in the opinion of the people of Kentucky, had no right to interfere in the matter, the vote for a convention would have been much larger, if it had not been carried. Only about one-fourth of the people voted for it." "Prior to the agitation of this question of abolition," he continued, "there was a progressive melioration in the condition of slaves throughout all the slave states. In some of them, schools of instruction were opened by humane and religious persons. These are all now checked; and a spirit of insubordination having shown itself in some localities, traceable, it is believed, to abolition movements and exertions, the legislative authorities have found it expedient to infuse fresh vigor into the police, and laws which regulate the conduct of the slaves."<sup>31</sup>

The Legislature in a set of resolutions in 1836 resented the officiousness of the Northern abolition societies. It declared that for the institution of slavery, "the people of Kentucky hold themselves responsible to no earthly tribunal, but will refer their case to Him alone, through the mysterious dispensations of whose Providence, dominion has been given to the white man over the black. He alone may judge of its compatibility with his will, and of its political expediency, we who witness its practical operation, are best competent to speak." As to the charges of throttling the freedom of speech and discussion, "Enough has transpired to convince them, that under the miserable perverted name of free discussion, these incendiaries will be permitted to scatter their fire-brands throughout the country, with no check but that which may be imposed by the feeble operation of public opinion. \* \* \* The freedom of the press is one thing—licentiousness another." And Kentucky published to the country that the slave states "are hereby assured of the earnest co-operation of the state of Kentucky, to resist, at all hazards, every effort to interfere with that subject either by Congress, any state, or combination of private persons."<sup>32</sup> From now on, opposition of a bitter kind was constantly the result of the abolition missionaries' attempt to convert Kentucky. Governor Clark in 1838 warned the abolitionists of the danger of their course. He advocated the passing of laws which would keep their propaganda out of the state, as their real purpose, he

<sup>31</sup> Colton, *Life and Times of Henry Clay*, I, 195.

<sup>32</sup> *Acts of Kentucky*, 1835, pp. 683-686. Resolutions dated March 1.

believed, was to inflame the minds of the slaves rather than convert the slaveholder.<sup>33</sup>

Kentucky was developing more and more into a common interest with the rest of the slave holding states, and her leadership was coming to be identified with the leadership of the South. The Missouri Compromise had played an important part in the development of Kentucky feeling on the subject of slavery. She not only saw an attempt being made by a growing power to exclude slavery from a state, but she saw something even more dangerous, the subversion of the constitution by imposing conditions on one state not required of the others. The Legislature preferring to place its main objection on the former principle, rather than on the latter, declared that it "refrains from expressing any opinion either in favor or against the principle of slavery."<sup>34</sup> The St. Tammany Society of Lexington expressed in a toast at a banquet a more resolute feeling: "*The Sovereign and Independent State of Missouri*. 'Bone of our bone and flesh of our flesh.' Her enemies in striking at *her* must pierce *us* through the heart."<sup>35</sup> This same growing intolerance of slavery expressed itself in 1844 in the recommendation of Massachusetts to amend the constitution so as to abolish the additional representation in Congress given the slave state through the operation of the "Three-fifths Rule" on slavery. In answer to this Kentucky said that she believed this attempt at amendment "would not only tend, by its agitation, to weaken the bonds of union that now holds them together, but that any effort to carry, their views out would most undoubtedly dissolve the union on the States."<sup>36</sup>

Kentucky was brought into direct collision with Northern states on the slavery question at a very early time, in connection with runaway slaves. The long line of the northern border of the state abutted on three free states, Ohio, Indiana, and Illinois, and the barrier of the Ohio River could easily be crossed by the fugitive slave, especially when aided by sympathizers from beyond the river. Almost with the beginning of the nineteenth century slaves were making their escape across the Ohio, and the difficulties surrounding attempts to recover them were growing and becoming more exasperating. In 1816 the Legislature complained that there was too much obstruction in the states of Ohio and Indiana against the apprehension of fugitive slaves, and called upon the governor to enter into correspondence with the governors of those states to secure better laws against runaways.<sup>37</sup> In 1817 Governor Slaughter reported to the Legislature that he had complied with their resolution and was happy to inform them that the governors beyond the river had promised "to remove as far as practicable every cause of complaint."<sup>38</sup> The Ohio governor replied that he was informed "there is neither a defect in the laws or want of energy on the part of those who execute them." "That a universal prejudice," he said, "against slavery does exist and is cherished is to be expected, and that a desire as universal to get rid of every species of negro population exists, is, in my opinion, as certain."<sup>39</sup>

With the agitation of gradual emancipation, the slaves became mildly restless; but when the abolition movement got well started and began to send out its emissaries, who not only sought to make the slaves discontented, but even concocted plots and assisted them to escape beyond the Ohio, the slaves began to run away in ever increasing numbers.

<sup>33</sup> *Kentucky Gazette*, Dec. 6, 1838. Message to the Legislature of December 4th.

<sup>34</sup> *Niles' Register*, Vol. 17, p. 344.

<sup>35</sup> *Kentucky Gazette*, May 19, 1820.

<sup>36</sup> *Acts of Kentucky*, 1843, pp. 269-279.

<sup>37</sup> *Acts of Kentucky*, 1816, p. 282.

<sup>38</sup> *Niles' Register*, Vol. 13, p. 386. Message to Legislature, December 2, 1817.

<sup>39</sup> W. H. Smith, *A Political History of Slavery* (New York, 1903), I, 21.

The elements of continual friction were called into play; the northern banks of the river were swarming with people ready and anxious to help slaves escape and not averse to crossing into Kentucky to carry on their work, and the southern banks afforded many hunters who carried on their quests with increasing exasperation to the inhabitants of Ohio, Indiana, and Illinois. There were abuses on both sides. To assist a slave to escape was in direct violation of a law of Congress, and as slave-owners had some reason to think, as objectionable as to steal any other portions of their property. On the other hand, slave-hunters north of the Ohio developed too often into kidnapping expeditions. Free negroes were brought back either through mistake or design, too often. In 1819 a free negro was kidnapped in Ohio and sold in Kentucky by one Bell, who upon the requisition of the Ohio Governor, was promptly delivered over by the Governor of Kentucky. In this connection the former said, "While enormities like the one complained of are committed, the citizens of Kentucky should not complain that those of Ohio should feel an interest in requiring proof of ownership however inconvenient to the proprietors, before they consent to the removal of negroes against their will. The want of such evidence and the violence of attempting to remove them without the warrant of the constituted authority, I suspect, have been the chief causes of the difficulty which actual proprietors have experienced in reclaiming their slaves in Ohio; and the villainy of unprincipled kidnappers has aroused the people in some districts into a vengeance which I hope you will think laudable, to guard against the perpetrators of so dark a crime."<sup>40</sup> Kentucky's laws were, perhaps, unduly generous to the person wanted beyond the river for carrying off free negroes. He was given the right to prove before a Kentucky court that he was not the person wanted or that he was the actual owner of the slave, and on the establishment of proof in either case he was relieved from extradition.<sup>41</sup>

In the latter '30s the fugitive slaves crossing the Ohio greatly increased. The trial in 1838 of John B. Mahan, a Methodist preacher, in the Circuit Court of Mason County, for assisting slaves to escape from Kentucky, attracted much attention. It was proved that he had aided fifteen, but as it had been done in Ohio, the court dismissed the case on the ground of want of jurisdiction.<sup>42</sup> Escapes were becoming so frequent and enticements so clever that the Legislature often took occasion to call upon the governor to bring the state's northern neighbors to a sense of their duty. In one set of resolutions it was declared that a master could hardly risk his slaves on a steamer with himself any more for fear of their escape. Although feeling that there were only a few people across the river "by whose artful, cruel, ill digested and fanatic notions of civil rights, the injuries referred to are inflicted," yet, fearing a continuance of this practice might strain good relations, the Legislature called for better legislation on the question from Ohio, Indiana, and Illinois.<sup>43</sup> The charges of kidnapping were made often without any basis in fact. Those seeking slaves, after recovering them, were often set upon by mobs and the slaves freed, or they were arrested and held as kidnappers, before they could take their slaves to a magistrate to establish ownership. According to the Legislature "The master thus finds himself a prisoner and the servant set free." As a result of such conditions, the masters looking for their slaves had to work with great secrecy and often with little effect. The Legislature declared that it wanted laws to protect free negroes in the states north of the Ohio, but at the same time

<sup>40</sup> Smith, *Political History of Slavery*, 21, 22.

<sup>41</sup> See *Ibid.*, 45.

<sup>42</sup> Collins, *History of Kentucky*, I, 43; Smith, *Political History of Slavery*, I, 44.

<sup>43</sup> *Acts of Kentucky*, 1836, pp. 353, 354. Dated February 3, 1837.



it also desired laws that would not obstruct the recovery of bona fide slaves. Ohio was declared to be one of the worst offenders in this respect.<sup>44</sup>

As the periodical resolutions of protest of the Kentucky Legislature seemed to have very little effect on Ohio, in 1839 it was decided to send a commission of two to the governor and Legislature of Ohio to demand protection for Kentucky slavery against evil-disposed citizens of that state.<sup>45</sup> James T. Morehead and John Speed Smith were appointed to carry on the negotiations. At first it seemed that they were to be received with little civility and consideration, when they were refused permission to address the Legislature. This caused a momentary flurry of resentment in Kentucky. The editor of the *Kentucky Gazette* said, "The want of courtesy on the part of Ohio may, we fear, lead to events calculated to sour the feelings of the citizens of the two States, manifestly injurious to the interests and fraternal harmony which should subsist between neighboring States."<sup>46</sup> But first impressions were wrong; Ohio showed commendable zeal in bringing about the much needed understanding. A law was passed, 23 to 11 in the Senate and 53 to 15 in the House, punishing those who abducted slaves or aided in their abduction or escape by a fine not exceeding \$500, or imprisonment not exceeding sixty days, and by levying on the offenders all damages to the aggrieved persons.<sup>47</sup>

The situation in Indiana was much less exasperating than in Ohio. Outside of a few unpleasant incidents that were more or less forgotten by this time, the relations of the two states on the slavery question had been marked by cordiality and good understanding.<sup>48</sup> There were fewer underground railways through this state than through Ohio—the main stations on the Kentucky border being Lawrenceburg, Madison, New Albany, Leavenworth, and Evansville. At the same time Kentucky was attempting to settle her long-standing troubles with Ohio, she was complimenting Indiana for her recent declaration (passed in the House 87 to 1 and in the Senate 40 to 1) that the interference by a state or by Congress with a state's domestic institutions "is highly reprehensible, unpatriotic, and injurious to the peace and stability of the Union of the States."<sup>49</sup> The continued good relations of the two states were shown in the promptness that generally marked the Indiana governor's compliance with the requisitions of the Kentucky governor for persons wanted in connection with slave-stealing.<sup>50</sup> In 1854 Governor Wright of Indiana was invited by Governor Powell to visit Kentucky. He was met at Louisville by a committee of the Legislature and taken to Frankfort, where he was given an enthusiastic welcome.<sup>51</sup>

Illinois did not enter seriously into Kentucky's fugitive slave troubles. There was only one important underground railway station on the state's Illinois border—that being Cairo.

But notwithstanding the laws of one state and the good intentions of another, the number of slaves carried away increased by leaps and

<sup>44</sup> *Acts of Kentucky*, 1834, pp. 436-438. Dated February 16, 1835.

<sup>45</sup> *Ibid.*, 1839, pp. 389, 390. Dated January 4, 1839.

<sup>46</sup> Jan. 31, 1839.

<sup>47</sup> Collins, *History of Kentucky*, I, 44.

<sup>48</sup> In 1820 the Indiana governor demanded of Kentucky the delivery of the Breckinridge County representative in the Legislature for "apprehending and bringing away a runaway slave from that state." The Kentucky House unanimously refused to surrender the member in question. *Kentucky Gazette*, Feb. 4, 1820.

<sup>49</sup> *Acts of Kentucky*, 1838, pp. 390, 391. Kentucky resolution dated February 23, 1839.

<sup>50</sup> For example the case in 1845 where a free mulatto was delivered over to the Kentucky authorities for his part in stealing slaves from Harrodsburg. Collins, *History of Kentucky*, I, 50.

<sup>51</sup> Collins, *History of Kentucky*, I, 70.

bounds, beginning about 1841. Now began a well-knit, systematic underground railway organization with its agents and its stations. The losses to Kentucky in runaway slaves was said to be \$200,000 annually.<sup>52</sup> The reward offered for the capture of fugitive slaves was increased at different times, until in 1860 it was \$150. Some unprincipled abolitionists took advantage of this reward at the expense of their honor by abducting slaves, hiding them until the reward was offered, and then, double-crossing the slave, leading him back to his master.<sup>53</sup> Abolitionists became bold in their work. Many were not content to simply aid the fugitives cross the Ohio and pilot them to places of safety, but they carried the war into the heart of the enemy's country. Some went through purely humanitarian feeling, while others added a feature of gain. In 1849 an abolitionist appeared in Fayette and Bourbon counties, offering to pilot slaves to safety for \$10 each. He soon gathered up a party of more than forty slaves and set out for the Ohio River. Efforts were immediately made to stop them; and a battle took place in which the negroes were scattered and captured and the ringleader taken. The abolitionist was brought to Lexington, tried for enticing slaves away, convicted of the charge, and sentenced to the state penitentiary for twenty years.<sup>54</sup> Soon after this a plot engineered by abolitionists to lead off about forty negroes in Woodford County was discovered and frustrated.<sup>55</sup> But more often these plots were successful and groups of slaves made their way into free states. On one day in 1852 no less than fifty-five crossed the river.<sup>56</sup> A case of persistent plotting and scheming to lead slaves out of the state was that of Miss Delia A. Webster, of Vermont, who was apprehended in abducting slaves and was sentenced to two years in the state penitentiary. On account of her sex, the jury recommended a pardon to the governor, who gave it. Calvin Fairbanks, who was an accomplice of Miss Webster, was sentenced to fifteen years in the penitentiary. Nine years later, in 1854, Miss Webster began her operations again. She first settled in Madison, across the river in Indiana, where she assisted escaping slaves; but soon becoming bolder she moved to the Kentucky side. Meetings of indignant citizens in the surrounding counties were immediately held, and Miss Webster was forced to leave the state again.<sup>57</sup>

Attempts to recover slaves were generally impeded by private individuals as well as the officers of justice in the states north of the Ohio. In 1845, a Kentuckian found certain escaped slaves in Sandusky, Ohio, and attempted to bring them back to their master; but through the machinations of the officers of the government and certain abolitionists, the rescued slaves were freed again.<sup>58</sup> An incident that created great excitement in Kentucky took place in Marshall, Michigan, in 1847 where some Kentuckians were attempting to recover six runaway slaves found there. As they were about to lead the fugitives before a magistrate, a mob gathered, composed of free negroes, runaway slaves, and white men to the number of from 200 to 300, and armed with guns, clubs and other weapons, and informed the Kentuckians that no trial was necessary, as the fugitives would not be permitted to be taken away under any circumstances, by moral, physical, or legal force—that though the law might be on the side of the Kentuckians, popular sentiment was against the law. Having through mob force carried out its purpose, the

<sup>52</sup> W. H. Siebert, *The Underground Railroad from Slavery to Freedom* (New York, 1899), 352.

<sup>53</sup> Marryat, *Diary in America*, I, 235.

<sup>54</sup> *Kentucky Yeoman*, 1848; Collins, *History of Kentucky*, I, 57.

<sup>55</sup> Collins, *History of Kentucky*, I, 57.

<sup>56</sup> *Ibid.*, 57, 66.

<sup>57</sup> Collins, *History of Kentucky*, I, 50, 71.

<sup>58</sup> *Ibid.*, 50.

crowd now resolved itself into a mass meeting to ratify its actions. The question was put whether or not the negroes should be taken before a magistrate, and it was promptly decided in the negative. A resolution was then carried calling upon the Kentucky agents to leave town within two hours; but before this could be done, they were arrested, found guilty of trespass, and fined \$100. One of them was bound over to the next court on the charge of drawing a pistol. According to an affidavit of one of the agents, "Many were the insults offered affiant by the leading members of the mob, who informed him at the same time that it was just such treatment as a Kentuckian deserves when attempting to recapture a slave, and that they intended to make an example of him, that others might take warning." Regardless of the evils of slavery and of all of its results, this treatment of the Kentuckians was a travesty on justice and it could not do otherwise than arouse the bitter resentment of the State of Kentucky against Michigan. She called on that state "to give the subject that consideration which its importance demands, and to take such action thereon as in the judgment of said Legislature is deemed proper and right, with a view to maintain that peace, amity and good feeling which ought to exist between the citizens of the States of Michigan and Kentucky." Kentucky further declared that "such conduct and such outrages committed upon the rights and citizens of the State of Kentucky, or any other State of the Union, must necessarily result in great mischief, and is well calculated, and must, if persisted in by the citizens of Michigan, or any other free States of the Union, terminate in breaking up and destroying the peace and harmony that is desirable by every good citizen of all the States of this Union, should exist between the several States and the constitutional rights of the citizens of the slave States," and called upon Congress to pass such legislation as would protect the slave states in their rights to recover their runaway slaves.<sup>59</sup>

Little satisfaction was ever had from free state courts and officials in attempts to recover fugitives. It was always easy for governors to cater to public sentiment and find reasons for not delivering up persons wanted in Kentucky. Ohio was the greatest sinner in this respect.<sup>60</sup> But when the cases were brought in the Federal courts, Kentucky received the benefits of the laws. In 1843 John Van Zandt was tried in the Federal Court at Cincinnati on the charge of aiding fugitive slaves and was assessed \$1,200 damages, and a few days later in another similar action another verdict of \$500 was entered against him.<sup>61</sup> A few years later in the Federal District Court at Columbus, Ohio, a Sandusky lawyer was fined \$3,000 for assisting runaways from Kentucky.<sup>62</sup> In Indianapolis the Federal Circuit Court in 1850 entered a verdict against a group of abolitionists who had forcibly taken fugitives from their owner after he had recovered them.<sup>63</sup>

<sup>59</sup> "Resolutions of the Legislature of Kentucky in Favor of the Passage of a Law by Congress . . . to recover Slaves . . ." in *Senate Misc. Docs.*, 30 Cong., 1 Sess., No. 19; *Acts of Kentucky*, 1846, pp. 385-388.

<sup>60</sup> In 1845 Governor Bartley of Ohio refused the requisition of the Kentucky governor for a person charged with kidnapping slaves. There were many other instances of this kind. Collins, *History of Kentucky*, I, 50. The most celebrated instance of this kind of trouble was in the case which was appealed to the United States Supreme Court decided in *Kentucky versus Dennison* in 1861. The court was asked to issue a writ of mandamus to compel the Ohio governor to deliver a person wanted in Kentucky for aiding a slave to escape. Chief Justice Taney declared it was the duty of the Ohio governor to deliver over the person, but admitted the court had no means of compelling it. For the decision see *Kentucky vs. Dennison*, 24 Howard, 66.

<sup>61</sup> *Ibid.*, 48, 49. Salmon P. Chase was one of his attorneys.

<sup>62</sup> *Ibid.*, 73.

<sup>63</sup> Collins, *History of Kentucky*, I, 60. See also *Ibid.*, 61. For successful actions in state courts, see *Ibid.*, 46.

Although many fugitive slaves stopped in the free states and entered into the life of the community, still there was always the danger of detection and return to their masters, as was provided for in the Fugitive Slave Law. It was therefore the ultimate hope of most fugitives to reach Canada, where they could be forever safe from their master's searches. The slaves learned of the Canadian refuge, as early as the end of the War of 1812, and it was the hope of reaching it that set many of them in motion in the beginning of the fugitive slave movement. In 1823 Kentucky said that since "large numbers of slaves, the property of the citizens of this commonwealth, escape from the service of their masters, and get into the British provinces of Canada," where it was impossible to get them, and since "this evil of late has been growing to such magnitude, that unless it is checked, may ultimately mar the peace and harmony which at present fortunately exists between the government of the United States and that of Great Britain," the Federal Government should make treaty arrangements with that nation in the interest of returning fugitive slaves.<sup>64</sup> But England's advanced ideas on slavery made such a negotiation very difficult if not impossible. Such a treaty was never made, despite the state's frequent attempts to have one negotiated. On the very eve of the Civil war, Kentucky again was calling on the Federal Government to secure such a treaty.<sup>65</sup>

The determination of the state to protect the institution of slavery continued to increase as time went on despite the fact that slavery was becoming relatively less important in the commonwealth. The old idea inherited from Virginia that no slaves should be imported into the state for sale was greatly modified by laws passed in 1814 and 1815. The original intention of the person bringing in slaves was made the test, and no person or agency could establish that intention except the master himself. Original intentions could be easily changed, and imported slaves might then be sold as Kentucky slaves; or indeed might they not be hired out for ninety-nine years? This, in fact, was done. In 1833, a new law was passed which restored the original practice—thereby prohibiting the importation of slaves except by *bona fide* emigrants, or where they were inherited by residents.<sup>66</sup> This law was not brought about by abolition sentiment, but rather by the desire of Kentuckians generally, to control the institution and prevent its growth into a more menacing problem.

As a majority of Kentuckians were not slaveholders, there existed a widespread sentiment that the laws of the state which provided for the payment to the master of the value of any slave that should be executed for crimes, should be repealed or amended to work in a more equitable manner. By the act of 1811, there were four crimes committed by slaves punishable with death. These were conspiracy and rebellion, poisoning with intent to kill, voluntary manslaughter, and rape.<sup>67</sup> Slave executions were not infrequent. In 1831 four slaves were hanged in Lexington, witnessed by a vast crowd estimated to be from 10,000 to 20,000.<sup>68</sup> The amount of money paid out of the state treasury for slaves hanged was said to be \$68,000 by 1830.<sup>69</sup> It was also asserted that only one-fifth of the tax-payers owned slaves. An attempt was made in 1830 to repeal the law allowing payment for executed slaves. Much exciting debate followed, resulting in the laying of the bill on the table to make way for a substitute which provided for a tax of one-

<sup>64</sup> *Acts of Kentucky*, 1823.

<sup>65</sup> *Acts of Kentucky*, 1859, I. This resolution was dated December 19, 1859. See also *Ibid.*, 1826, 197, 198.

<sup>66</sup> Collins, *History of Kentucky*, I, 37. Also see *Niles' Register*, Vol. 37, p. 399.

<sup>67</sup> McDougale, *Slavery in Kentucky*, 37, 38. Other crimes were added later.

<sup>68</sup> *Argus*, Aug. 17, 1831.

<sup>69</sup> *Niles' Register*, Vol. 37, p. 399.

fourth of 1 per cent to be laid on slaves to afford a fund for those expenses connected with slavery. This substitute was also killed, leaving considerable resentment among the non-slave owning population.<sup>70</sup>

As has appeared heretofore, the great weight of public sentiment in the state was against the precipitate dealing with the question of slavery. Emancipation in the indefinite future was desired by the great majority of the people, but the utter impracticability of it was impressing itself on a larger and larger number. The constant assault from the Northern abolitionists by propaganda and by slave stealings and enticings was fast exhausting the patience of the people, and making them more suspicious of any dealing with the question at all. An abolition society could not exist in Kentucky, although organized and engineered by natives; neither could an emancipation society, with no direct plan of action, thrive—a hostile sentiment prevented the former, and a lack of interest made the latter impossible. But there were certain persons, native Kentuckians, who had caught the contagion of abolition and could not repress themselves. The foremost of these was Cassius M. Clay, who had received his education at Yale College and had there heard William Lloyd Garrison on slavery. He came back to Kentucky determined to fight slavery against every opposition and at all costs. He made anti-slavery speeches and wrote his views in the state press until his communications were no longer acceptable. He then determined to set up an abolition paper, and pour out his bitter arraignments of the "slaveocracy" without restraint. According to his account, he proceeded in a heroic mood on an enterprise of great danger. Preparing for every form of opposition and attack he set up a printing office in Lexington in 1845, converting a brick building into a veritable arsenal. He covered the outside doors with sheet iron to prevent them being burned, and rolled two four-pounders inside, loaded them with shot and nails, and mounted them on a table breast high where the doors might be swung open for the play of the cannon on any attackers. He stocked the building with Mexican lances and guns, and held in readiness six or eight men pledged to defend him. "If defeated," he said, "they were to escape by a trap door in the roof; and I had placed a keg of powder with a match, which I could set off, and blow up the office and all my invaders; and this I should most certainly have done, in case of the last extremity."<sup>71</sup>

Thus prepared, he began to pour out bitter and vitriolic attacks against slavery in his newspaper, called *The True American*. He very quickly overshot his mark, and aroused the most solemn and fundamental feelings of the people of Lexington and the surrounding country. The audacity of this apostate and renegade was impenetrable. In all the seriousness and with all the determination that they were capable of, the most respected and capable men of the times acted swiftly and surely, but no less orderly. On August 14, a considerable number of Lexington citizens met at the court house and appointed a committee to wait on Cassius M. Clay and request him to discontinue his paper, "as its further continuance, in our judgment, is dangerous to the peace of our community, and to the safety of our homes and families."<sup>72</sup> In their letter delivered to him, the committee said, "We do not approach you in the form of a threat. But we owe it to you to state, that in our judgment, your own safety, as well as the repose and peace of the community, are involved in your answer."<sup>73</sup> Clay from his sick bed

<sup>70</sup> *Ibid.*

<sup>71</sup> *The Life of Cassius Marcellus Clay. Memoirs, Writings and Speeches* (Cincinnati, 1886), I, 107, 108.

<sup>72</sup> Collins, *History of Kentucky*, I, 51. The committee was composed of B. W. Dudley, T. H. Waters, and J. W. Hunt.

<sup>73</sup> Extra handbill issued by the *True American*, Aug. 15, 1845. A copy may be found in *Durrett Collection*.

sent a defiant answer.\* He declared that the statement made by the committee that they represented a respectable portion of the community could not be true. He continued, "Traitors to the laws and Constitution cannot be deemed respectable by any but assassins, pirates, and highway robbers. \* \* \* I treat them with the burning contempt of a brave heart and a loyal citizen. I deny their power and defy their action. Your advice with reference to my personal safety is worthy of the source whence it emanated, and meets with the same contempt from me which the purposes of your mission excite. Go tell your secret conclave of cowardly assassins that Cassius M. Clay knows his rights and knows how to defend them."

On receiving this challenging reply, the original meeting, which had adjourned to a later time in the day, immediately issued a call to the city and surrounding country to gather on the 18th at the court house "to take into consideration the most effectual steps to secure their interests from the efforts of abolition fanatics and incendiaries." Hundreds of people gathered at the appointed time, and Thomas F. Marshall, a nephew of Chief Justice John Marshall and noted for his powers of oratory, presented an address setting forth the incendiary character of Clay's *True American* and arraigning him for his course. "On the frontier of slavery," it was declared, "with three free States fronting and touching us along a border of seven hundred miles, we are peculiarly exposed to the assaults to abolition. The plunder of our property, the kidnapping, stealing and abduction of our slaves, is a light evil in comparison with planting a seminary for their infernal doctrines in the very heart of our densest slave population." An abolition newspaper in a slave state, it was further set forth, "is a blazing brand in the hand of an incendiary or madman, which may scatter ruin, conflagration, revolution, crime unnameable, over everything dear in domestic life, sacred in religion or respectable in modesty."<sup>74</sup>

This address together with six resolutions was unanimously adopted by the meeting. Among the resolutions were these: that no abolition newspaper be allowed in Lexington, that if the *True American* were surrendered peaceably no injury would be done and the press should be sent out of the state, and "That we hope C. M. Clay will be advised. For by our regard to our wives, our children, our homes, our property, our country, our honor, wear what name he may, be connected with whom he may, whatever arm or party here or elsewhere may sustain him, he shall not publish an abolition paper here, and this we affirm at the risk, be it of his blood, or our own, or both; or of all he may bring, of bond or free, to aid his murderous hand." A committee of sixty, composed of some of the leading men of Lexington, as well as of the state such as James B. Clay, George W. Johnson, and William B. Kinkead, was appointed to proceed in an orderly manner to take possession of the printing office, pack up the printing apparatus, and take it to the railway office for transportation to Cincinnati. The committee proceeded in the most circumspect manner to carry out its task. The mayor of the city met them at the door of the printing office and informed them that their actions were illegal but that the city authorities were not able to resist them. The roll of the committee was called and the building was entered and the door closed behind. Still acting in the most orderly and precise fashion, the committee resolved to hold itself responsible for anything that might be lost or destroyed while they were carrying out their duty. Everything was carefully taken down and packed in boxes and lists made of the whole amount. The work was carried on so circumspectly that by two o'clock when the committee was requested to report back to the general meeting, the task had not yet been finished. Mes-

<sup>74</sup> *Niles' Register*, Vol. 69, p. 15.

sengers were therefore appointed to report progress to the meeting at the court house, and the work was continued. Clay's private papers were sent to him with a note of what had been done, with the further information that all transportation charges and expenses had been paid. In the meantime ex-Governor Metcalfe had addressed the general meeting.<sup>75</sup>

This was not the action of a mob; it was the bursting determination as irresistible as any human passion aroused by the exasperation of outraged feelings, but withal orderly and measured. In the words of an observer, it was a non-partisan meeting, "a rare spectacle of an innumerable body of citizens, meeting as a matter of course with highly excited feelings, yet so far subduing and modifying their spirit as to accomplish their purpose without the slightest damage to property or their effusion of a drop of blood."<sup>76</sup> It was further added: "Man may write books if they please to prove that this was a *lawless* procedure, and in utter violation of the principles of the Constitution and laws, by which our rights and property are protected. It will avail nothing. There may be a state of things in which Constitution and laws are totally inadequate to the public protection from dire calamity, and in that event popular action (though usually to be deprecated) must be excused."<sup>77</sup>

But as this procedure had not been according to law, and as Clay was not disposed to surrender without an attempt at redress, a warrant for riot was brought against the leaders, and the trial was held in September. The defendants argued that their whole intent had been to do a public service, that a nuisance existed which had to be abated. It was argued at length that the slaves had assumed a bold and menacing attitude toward white people since Clay had begun his activities, that they read his paper, that they congregated in places and became boisterous, that they traveled the highways at night in the possession of firearms. The Lexington mayor testified that negroes had marched by his home at night with boisterous conduct as if to show their contempt and disdain for his authority. Judge Trotter, of the Lexington City Court, first instructed the jury as follows, "That if the Jury believes from the evidence in their cases, that the defendants to this prosecution, assembled with the intent, and did with violence and by force take possession of the True American office, they are guilty of a riot, and they must find them guilty, and assess their fine in their discretion from one cent to one hundred dollars." The defense objected to the charge and by further argument and citation of cases convinced the court that it should give the following charge: "That if the jury believe that the True American press was a public nuisance, and could not exist in its then present location and condition, without being a nuisance, the defendants were justified in abating it." The case was ended by the jury giving a verdict of not guilty.<sup>78</sup> After the Mexican war, Clay sued the committee that entered his office and recovered \$2,500 damages. Clay said of the whole affair: " \* \* \* I need only say here that the mob was utterly defeated in all their ends. I was not killed, and the *American*, published in Cincinnati and edited by me at Lexington, increased in circulation in Kentucky and the Union generally, till I went to the Mexican War."<sup>79</sup>

The net result of this whole procedure was to greatly increase the

<sup>75</sup> *Niles' Register*, Vol. 69, pp. 13-15; Collins, *History of Kentucky*, I, 51. Among the members of this committee besides those already mentioned were: Moses Morrison, Richard Higgins, Hiram Shaw, James B. Waller, George W. Norton, Franklin Telford, Thomas H. Shelby, Thomas S. Redd, Dr. J. C. Darby, William R. McKee, Richard Spurr, Edward Oldham, and Dr. J. Bush.

<sup>76</sup> Editorial in *Lexington Observer and Reporter*, Aug. 20, 1845.

<sup>77</sup> Editorial in *Lexington Observer and Reporter*, Aug. 23, 1845.

<sup>78</sup> *Lexington Observer and Reporter*, Oct. 8, 1845.

<sup>79</sup> *Life of Cassius Marcellus Clay*, I, 108.

excitement over the state against abolition doctrines and abolition meddling. Jefferson, Nelson and other counties held meetings to consider the action of the Lexingtonians. In Mason County a meeting of the citizens condemned "the intemperate and inflammatory character" of the *True American* and held that Clay's reply to the first Lexington meeting was "conceived in a spirit of outrage, wholly unjustifiable, and meriting the severest reprobation, and recommended the passage of a law to prevent the circulation of abolition papers in the state."<sup>80</sup> This was the outgrowth of a previous meeting of Mason County citizens, which condemned Clay's actions as indiscreet, but by a vote of 58 to 49 refused to sanction the action at Lexington. But Mason County still was not satisfied with the vigor of the resolutions that should be passed condemning Clay, so on November 10, in pursuance to a call of 456 citizens, another meeting was held that supplied what was wanting in the vigor of denunciation merited by Clay.<sup>81</sup> At the outbreak of the Mexican War, Clay joined the American forces more for the purpose of building up a reputation and influence which he could use in furthering his attacks on slavery than for any other reason.

The climax in the emancipation movement came in 1849. There had long been a desire, widespread and persistent, for a convention to revise the Constitution. Numerous and varied reforms were wanted, but progress toward securing the convention had been greatly retarded by the bugaboo of tampering with slavery, that was always held out. But in spite of this, success was had, and the convention was called to meet in Frankfort in October, 1849. The expression of the state through its Legislature had been strong and steady in favor of slavery. In 1841 the ultra-conservative slave leadership sought to amend the law of 1833 prohibiting the bringing of slaves into the state for sale. A hard fight was carried out in the Legislature, which resulted in their defeat, however, in the House by a vote of 53 to 34. According to the *Louisville Journal*, "No question which has come before the Kentucky Legislature for years has produced so much excitement as this."<sup>82</sup> But their aggressive power was growing. In 1849 the House declared unanimously that it was "opposed to abolition or emancipation of slavery in any form or shape whatever, except as now provided for by the constitution and laws of the state."<sup>83</sup> A few weeks later, on February 24, a complete victory was secured in the repeal of the law of 1833. All the progress toward the final extinction of slavery made since 1815 was now gone; slaves could again be brought into the state for sale.<sup>84</sup> The emancipationists, conscious of the great difficulty of securing state-wide legislation looking toward emancipation, sought to have local option adopted. They would have the right given to the counties to vote slavery out by a two-thirds majority, and thus, little by little, reclaim the state for freedom. Nothing came of these efforts.<sup>85</sup>

The election of the Constitutional Convention afforded the opportunity for the greatest conflict between the emancipationists and the pro-slavery adherents, whose decision would be immutable and final. The former especially began early to prepare for the fight to capture as many of the delegates to the convention as possible. They had some strong leaders, who were powers in the state. Henry Clay had never swerved from his earliest principles on slavery, viz: gradual emancipa-

<sup>80</sup> Collins, *History of Kentucky*, I, 52.

<sup>81</sup> *Lexington Observer and Reporter*, Oct. 18, 1845; Collins, *History of Kentucky*, I, 52.

<sup>82</sup> Quoted in *Niles' Register*, Vol. 59, p. 323.

<sup>83</sup> Collins, *History of Kentucky*, I, 58; *Niles' Register*, Vol. 75, p. 109.

<sup>84</sup> McDougale, *Slavery in Kentucky*, 46; Collins, *History of Kentucky*, I, 58.

<sup>85</sup> Martin, *Anti-Slavery Movement in Kentucky*, 121. The *Louisville Examiner*, of abolition leanings, advocated this plan.



tion with colonization, and he had never ceased to fight for them. In February, 1849, he restated them in his well-known letter to Richard Pindell, of Lexington. Again he argued for emancipation so gradual as not to disturb society. Colonization was the key-stone in his arch; the freed negroes should be sent to Africa, and he stated his plan. The slave, on receiving his freedom, should be hired out for three years and the funds thus accumulated from his labors should be used in paying for transportation and six months' subsistence.<sup>86</sup> Clay thus lent his influence toward furthering the movement to provide for emancipation in the new constitution.

In organizing for the campaign the emancipationists held a meeting in Lexington on April 14, where they expressed the sentiments that slavery was contrary to the natural rights of man, was opposed to the fundamental principles of free government, was inconsistent with a state of sound morality, and was hostile to the prosperity of the commonwealth. A state-wide convention was recommended to meet in Frankfort on April 25, where the policy of the emancipationists could be formulated and agreed upon. Henry Clay and Robert J. Breckinridge were the moving spirits in this Lexington meeting.<sup>87</sup>

On the appointed time the convention met in the capitol building with 150 delegates from 24 counties. Both parties and all classes of opponents of slavery were represented, from such extremists as Cassius M. Clay and John G. Fee through the more moderate, such as Robert J. Breckinridge to sound rationalists like Henry Clay. According to the press report, "The Convention is quite large, presenting a highly respectable appearance, and composed of intelligent looking men—many of them divines of different denominations."<sup>88</sup> In order to prevent division and also escape the dangers of being too specific, the convention adopted no direct plan of emancipation, but reasserted the old principle of gradual emancipation, to operate only on those born after the system should be set up, and to be connected with colonization. With this general statement of principles, it was resolved that only those candidates should be voted for who were against the further importation of slaves into the state, and for the right of the people, incorporated in the new constitution, to institute "a system of gradual, prospective emancipation of slaves."<sup>89</sup>

A vigorous campaign was carried on. Henry Clay, Robert J. Breckinridge, John C. Young, William L. Breckinridge, Stuart Robinson, John R. Underwood, and many other men of recognized leadership supported the movement. Robert J. Breckinridge was a candidate, and made a very active fight for election. He was being constantly called upon by the emancipationists for speeches.<sup>90</sup> He issued an address to the people on "The Question of Negro Slavery and the New Constitution," reiterating the evils of slavery and calling upon the people now to take advantage of the opportunity to rid themselves of the blight. "Now is it," he said, "for the interest, the honor, the riches, the power, the glory, the peace, the advancement, the happiness, of this great Commonwealth, to exert her sovereign power in such a way, and to the intent, that involuntary, hereditary, domestic, negro slavery shall be indefinitely increased and everlastingly established in her bosom? Men of Kentucky, ask yourselves the question!"<sup>91</sup> The strong conservatives of both parties became frightened and in some instances united on their candidates against the

<sup>86</sup> Martin, *Anti-Slavery Movement in Kentucky*, 124-126.

<sup>87</sup> Stanton, *The Church and the Rebellion*, 441.

<sup>88</sup> *Kentucky Yeoman*, April 26, 1849.

<sup>89</sup> *Kentucky Yeoman*, May 3, 1849; Martin, *Anti-Slavery Movement in Kentucky*, 129-132; Collins, *History of Kentucky*, I, 59; Stanton, *The Church and the Rebellion*, 442.

<sup>90</sup> *Breckinridge MSS.* (1849). Numerous letters calling for his service.

<sup>91</sup> Stanton, *The Church and the Rebellion*, 447.



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emancipationists.<sup>92</sup> The democrats had a more consistent record against emancipation than the whigs, with such leaders as Clay, and as a result the union candidate was generally a democrat. The two parties in Fayette County united and divided the offices between themselves. They agreed on one democrat and one whig for the convention, one whig for the senate, and one democrat and one whig for the House. The election turned out to be a complete disaster for the emancipationists. Robert J. Breckinridge, the most powerful candidate of this group, was defeated, and not a single out-and-out emancipation candidate was elected. The conservative democrats carried the day. In the same election that gave the whigs a majority on a joint ballot in the Legislature of thirty votes, the democrats captured the convention by a majority of six. As Horace Greeley remarked, "Slavery was afraid to trust itself in the hands of a whig majority."<sup>93</sup>

The result of this election was a considerable surprise to most Kentuckians. A vast majority of the voters held no slaves whatever. It was certainly largely true, as was often remarked at the time, "that, while many of the largest slaveholders were in favor of emancipation, the non-slaveholding vote gave the state to the pro-slavery power." There were numerous elements that entered the situation. In the first place, among those who did own slaves but who were not converted to emancipation, the influence of such radicals as Cassius M. Clay was disastrous. Those opposed to slavery were far from being of the same mind—the degree of their opposition varied greatly, and the tendency was too prevalent to judge all by the worst. Those who owned no slaves but voted against the emancipationists were influenced by various reasons. It was not the actual possession of slaves that played an important role with many Kentuckians; it was the constituted question involved. The voter was first a Kentuckian and all that that carried with it; he was beholden to no one for his ideas and convictions of his rights under the constitution—and least of all to those abolitionists from outside the state. The question was more a constitutional habit of thinking than a practical problem crying for a solution. Leaders, however successful in their leadership in other lines, failed to move them from this position. As was said by an emancipationist of the day, "The failure of the cause of emancipation is not to be referred to any want of ability on the part of its advocates. Those advocates comprise some of the most distinguished men not only of Kentucky but of the Union; men who have no superiors in the power to control public sentiment. If the cause of freedom could have been carried, it must have been carried by such men." There was also that tenacity of belief that can so easily develop into unreasoning prejudice. There was undoubtedly some truth in this charge of the emancipationists: "Self-interest, ignorance and prejudice are proof against anything, but the human mind, when unbiased and sufficiently enlightened to comprehend their import, cannot resist such argument, nor harden itself against such sentiments as are here presented. It must be conceded then, that the cause of emancipation in Kentucky has failed for the present, in spite of the exertions of men of the highest order of talents of which the country can boast."<sup>94</sup>

The power which the people possessed to deal with slavery had been thrown away in the election of the convention; slavery leadership was in control, and slavery would not only be protected in the new constitution, but further intrenched. The majority had so willed. But the pity of it, thought M. P. Marshall, who said in a speech in the convention: "Five-sevenths of them own no slaves; the other two-sevenths trembled under

<sup>92</sup> *Breckinridge MSS.* (1849). For example at Taylorsville.

<sup>93</sup> *New York Tribune*, Sept. 12, 1849.

<sup>94</sup> *The Repertory* quoted in Stanton, *The Church and the Rebellion*, 443.

the call of this convention for the security of their property, at once great and feeble, vast in point of interest, insignificant almost in numerical force, the political strength directly interested in its support. In this state of things this overwhelming majority of five-sevenths, forgetting all other feelings, discarding, merging all other considerations of reasons or policy, or of a separate interest, in a regard for what they considered the vested rights of a minority thus feeble, surrendered this convention to their control. They have excluded from this hall some of the wisest and ablest men of the State, merely because they feared, rather than believed, they might desire to interfere with these rights of the weak. They have sent a pro-slavery convention, merely because of their sense of justice and honor, their respect to a property peculiar to its kind, feeble and comparatively limited as to the number interested."<sup>95</sup>

As heretofore stated, the democrats controlled the convention, with James Guthrie, a staunch party man, as president. Although no emancipationists had been elected as such, there were members who stood for some system of gradual emancipation and fought for it at almost every step. In fact, the question of slavery protruded itself into almost every question. For instance, the discussion of the question of city representation in the Legislature apart from the counties hinged largely around slavery considerations, as the largest cities were on the Ohio River, where a large Northern element was present in the population.<sup>96</sup> Garrett Davis was in favor of some action looking toward the final extinction of slavery. He said: "But it appears to me that any intelligent and carefully reflecting mind must come to the conclusion that slavery is to have but a transitory existence in Kentucky. The general sentiment of the world is against it, before which, in fifty years, it has receded vastly; and this sentiment is deeply and widely formed in our limits and among our own people. \* \* \* The history of slavery, as we have it, proves in all ages of the past that it is progressing to its end. That consummation is in the course of events, and when men throw themselves in the current of events to hasten, or to retard, they are but straws. Let all straws be kept out of that section of this resistless current which flows through Kentucky, and let it roll on in its undisturbed power."<sup>97</sup>

Slavery was completely intrenched in the new constitution. The wording of the old provision was left almost unchanged, and new safeguards were added. To forever end the menace of a free negro population, it was provided that no slave might be emancipated unless means were provided for his removal from the state, and that no free negro might come into the state. According to the convention, "The free negro population among us is conceded by all to be worthless and highly detrimental to the value of our slaves, as well as the security of the owner."<sup>98</sup> In addition there was placed in the bill of rights the clause that "the right of property is before and higher than any constitutional sanction, and the right of the owner of a slave, and its increase, is the same and is as inviolable as the right of the owner to any property whatever." To place the power far from the multitudes to change these provisions, an almost impossible method of amendment was adopted.<sup>99</sup>

The legislatures hereafter carried out the spirit of this constitution in their dealings with the institution of slavery. In 1851 it declared that all slaves emancipated must leave the state, and that any free negro

<sup>95</sup> Quoted in Bruce, "Constitution and Constitutional Convention of 1849," pp. 142, 143.

<sup>96</sup> See H. Bruce, "Constitution and Constitutional Convention of 1849" in *Proceedings of Kentucky State Bar Association*, 1918, pp. 131-162.

<sup>97</sup> Stanton, *The Church and the Rebellion*, 450.

<sup>98</sup> *The New Constitution of the State of Kentucky* (pamphlet, 15 pp.), 14.

<sup>99</sup> The constitution may be found in Thorpe, *American Charters, Constitutions, and Original Laws*; Poore, *Federal and State Constitutions*.

entering the state and remaining over thirty days should be guilty of a felony and punished by not over one year's confinement in the penitentiary.<sup>100</sup> This principle was reiterated and emphasized in a law of 1860; also all laws prohibiting the importation of slaves into the state were repealed.<sup>101</sup> There was strong resentment against many ministers for their restless activity in the emancipation movement. The Presbyterians took the lead among the denominations in this struggle. The constitution dealt with the ministers by providing that none might hold public office or place of public trust.<sup>102</sup> Resentment was so keen that the Senate on the convening of the session of 1849-1850, debated a resolution that no one "who was a delegate, or attended and took part in the Emancipation Convention that met in Frankfort in the summer of 1849" should be invited to become chaplain of their body.<sup>103</sup> The resolution was finally defeated by a vote of 14 to 11.

The emancipationists were left stunned for a time. They were in doubt as to what course of action to pursue at first, but soon plans were being suggested and the determination was expressed to forget their disastrous defeat and to work with redoubled vigor. Robert J. Breckinridge was looked to as the recognized head and leader. Many interested in the fight gave him their suggestions and asked for his. Directly after the election and before the convention met, he received a letter from J. A. Jacoby suggesting that an emancipation paper be set up at Lexington, with preferably Breckinridge at the head of it. He also believed that meetings should be called widely over the state to reorganize their forces and to prevent their temporary demoralization from completely destroying the movement. "Such a proceeding," he said, "would have a happy effect upon our friends & show our opponents that we were *not dead & did not intend to die & could not be killed.*"<sup>104</sup> The question of operating as a separate party and running its own candidates, or of simply using their position strategically by influencing the democrats and whigs was also considered. Both lines of procedure had their advocates. An emancipationist from Glasgow wrote Breckinridge in 1851: "If a man has the independence here to vote for an emancipationist he is proscribed. But notwithstanding their proscription, there are some of us that think we ought to form a third party, that it is the only way to make them respect our views." He also thought that the emancipation candidates would get more votes when the people could be convinced that some of them could be elected.<sup>105</sup> A number of citizens of Maysville, according to the plan they sent Breckinridge, would organize immediately, but silently and unobtrusively, an emancipation party, ramifying into every county in the state. Let the emancipationist work slowly but surely; let them be prepared before they make another big attempt. By 1855 their organization ought to be strong enough to run a candidate for governor, who would doubtless be defeated, but he would most likely poll from 30,000 to 40,000 votes, which would be no mean beginning. In the election of 1859, they would have excellent chances for success. Then they should set to work definitely to gain gradual emancipation. According to the constitutional method of amendment, it would take eight years at the least to call a convention. Emancipation would be provided for through plans that would require about fifteen years to perfect, so that emancipation itself would not begin in less than thirty years. Would that not be time enough for all, they asked. Could anyone ac-

<sup>100</sup> Collins, *History of Kentucky*, I, 61.

<sup>101</sup> Collins, *History of Kentucky*, I, 83.

<sup>102</sup> See *Kentucky Yeoman*, Dec. 20, 1849.

<sup>103</sup> *Lexington Observer and Reporter*, Jan. 5, 1850.

<sup>104</sup> Breckinridge MSS. (1849). Letter dated Aug. 24, 1849.

<sup>105</sup> *Ibid.* (1850). I. G. Davis to Breckinridge, June 27, 1851.

cuse them of haste or of fanatical abolitionism? They believed that if the conservative emancipationists did not take hold and act immediately, the radical abolitionists would become actively engaged in pushing their propaganda in the state, and would forever end any possibility of emancipation.<sup>106</sup> Cassius M. Clay boldly jumped into the gubernatorial race in 1851 as the emancipationist candidate, but he had a very slight following. He polled only about 3,000 votes.

The gradual emancipationists never attained to the success they deserved; their altruism and high principles fell on deaf ears. And, just as they predicted, the abolitionists took the field and, with their various doings, greatly excited the state. The *True South*, an abolition paper in Newport, fell before an angry mob, and serious disturbances were the main results of certain abolition activities in Madison County from 1853 to 1860. Berea was the storm center.<sup>107</sup> The leaders in this movement were John G. Fee and John G. Hanson, and their tenets and methods were so radical that even Cassius M. Clay cut loose from them and refused to be identified with the movement. The people soon rose and drove them out. James S. Davis, one of Fee's coworkers who settled in Lewis County, was informed by a meeting of Mason County citizens that he must remove from the state within seven days, and the action of the Madison County citizens were approved. A few days later Davis was called upon to give up copies of Helper's *Impending Crisis of the South*, which he held for distribution among the people. He first refused, but later agreed to burn them. A few days later Bracken County citizens met for the purpose of informing Fee and Hanson, who had settled in that county, that they were "enemies to the state and dangerous to the security of our lives and property" and that they must leave the state before February 4. Fifty prominent citizens were appointed to see that the men departed. Instead of leaving the state, Hanson drifted back into Madison County, where trouble immediately ensued, in which several persons were wounded. The so-called Revolutionary Committee, made up of pro-slavery groups, resolving to drive out the abolitionists, ordered from Lexington "a canon to whip them out."<sup>108</sup> As a further effort to stop abolition activities, the Legislature in 1860 passed a law prohibiting the writing, printing or circulation of any incendiary documents in the state, with the penalty of imprisonment in the penitentiary.<sup>109</sup>

Despite the tenacity with which Kentucky clung to slavery, that institution was comparatively dying out in the state. The increase in percentage from 1790 to 1830 had been by decades as follows: 241, 99, 57 and 30. In 1790 she ranked seventh among the states of the Union in numbers of slaves; in 1830 she held fifth place.<sup>110</sup> During this period the percentage of increase for slaves had been greater than for whites, the percentage for the latter being 194 in 1790 and 19 in 1830. But at this latter date the process was reversed. The rapid relative decrease of slavery was marked. For the decade following 1830 the percentage was 10, and for the decade preceding 1860 it had dropped to 7. But for the whites the percentages of increase for the corresponding times

<sup>106</sup> *Breckinridge MSS.* (1851). Plan submitted by citizens of Maysville to Breckinridge, August 11, 1851.

<sup>107</sup> Cassius M. Clay, noting that the mountaineers owned no slaves, resolved to build them into a strong anti-slavery force. At his instigation John G. Fee founded an anti-slavery church and village in Madison County, which grew into the town of Berea. A school was begun in 1855, and a college was soon afterwards established—the Berea College of today. The school was forced to close just before the outbreak of the Civil war. *General Catalogue, Berea College, 1919-20*, pp. 28, 29.

<sup>108</sup> *Life of Cassius Marcellus Clay*, I, 250-258; Collins, *History of Kentucky*, I, 82, 83.

<sup>109</sup> *Ibid.*

<sup>110</sup> *Statistical View of the Population of the United States* (Washington, 1835), 76, 77, 150, 151.

were, respectively, 13 to 21.<sup>111</sup> Thus after 1830, when the change came, the percentage increase of whites over slaves became larger and larger, until in 1860 it reached three times the latter. Kentucky's position as a slave state of the South was also changing correspondingly. For this region as a whole, the average percentage of increase in 1800 was 28, and in 1860 it was 23. Or, comparing Kentucky with typical Southern slave states, the percentages of increase in slaves in Georgia in 1800 to 1850 were 102 and 35, and for whites, 92 and 27; for Tennessee, 297 and 30 for slaves and 186 and 18 for whites. This shows the course slavery was running in other states and in the South as a whole. In Kentucky alone did a break in the relations of percentages of increase come in 1830. Here alone did the white overtake the percentage of increase in slaves and steadily hold it.<sup>112</sup>

Slavery was not then the vital institution in the life and development of the state in 1860 that the extreme tenacity with which the people clung to it would seem to indicate. At heart most Kentuckians would have liked to be rid of the blight, but they saw no remedy. The institution was intrenched in the Federal Constitution and it permeated the state's legal and constitutional development. To a large extent it was a question of governmental rights, keeping faith with the Constitution, state rights. Thus it was that, while slavery was tending to die as a practical institution, it grew as a political and constitutional issue, that welded the people into a strong majority for its continuation.

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<sup>111</sup> *Eighth Census, Population* (1860), pp. 599-604.

<sup>112</sup> *Eighth Census, Population*, pp. ix, 600-604.

## CHAPTER LIX

### NATIONAL PROBLEMS AND THE THIRD CONSTITUTION

Kentucky became increasingly interested in national affairs from 1840 on to the Civil war. During this period the greatest and most perplexing problems of the nation arose through sectional differences and were looked at from sectional slants. Slavery was not only a constant concern for the state in her internal affairs, but it was also the basis for the bitter sectionalism that was engulfing the country, in which of necessity Kentucky was vitally interested. Presidential campaigns were fought around questions directly concerned with the preservation of the Union.

Sources of great interest and heated argument were the Texan question, the consequent war with Mexico, and the status of the territory acquired as a result of that war. These were a train of consequences in themselves, which set into operation other consequences—all of which was fast driving the country toward disunion and civil war. Texas had long been a region of great interest to Americans. It had played an important part in American diplomacy from the days of the Louisiana Purchase on down through the treaty with Spain in 1819, when it was definitely given up, until it became the center of national interest and concern in the '40s. This region was settled largely by Americans, who became nominal Mexicans but expected to die Americans, and, as a Texan said, they would not move out of Texas to do it. It was easy to find causes for war under the misgovernment of Mexico, and by 1835 the Texan revolution was on. Intense enthusiasm for the cause spread throughout the Mississippi Valley and the Gulf states and even into the New England states.

In so romantic and so adventuresome a cause as this, Kentucky could never lag. The neutrality laws of the United States were easily evaded by a constant stream of "emigrants," who immediately transformed themselves into soldiers for Texan independence on reaching their destination. On the outbreak of war in 1835, sympathy and support for the cause were given ungrudgingly. Newspapers and mass meetings carried the movement forward. A recurrence of Kentucky's old military ardor was at hand. A meeting was early held in Lexington to provide aid for those who would enlist, and by November of 1835 the first band of "emigrants," consisting of fifty-four men under Capt. B. H. Duval, hereafter to become famous as a part of Fannin's command, set out for Texas. They were followed by others before the end of the year, among whom were thirty-six riflemen from Louisville. The first impact drove the Mexicans out, but all expected the recoil which came the next year.

Kentuckians entered into the fight as if it were their own, or at least the nation's. The center of greatest activity was the Blue Grass Region. In the spring and summer of 1836, numerous meetings of the people were held to raise money and troops. From the end of March to the middle of June more than a dozen meetings were held in Lexington, which seemed to be the most active spot in the state. Three thousand five hundred dollars was subscribed here, and 180 men from Lexington and Fayette County volunteered. The same activity was shown in many other towns. Winchester subscribed in money, \$188.75 and donated fire-



arms and clothing to the value of \$200. Versailles contributed \$336.50 and called upon the United States Government to recognize the independence of the Texans. Georgetown gave \$600 and fifty or sixty volunteers.<sup>1</sup> In June, 200 volunteers from Clarke, Montgomery and Fayette counties passed through Frankfort to Louisville, there to be joined by several hundred more—all on their way to Texas.<sup>2</sup> So high was Kentucky enthusiasm that it was sometimes a problem for the leaders to provide means for getting them all to Texas. Gen. Felix Houston wrote from Natchez in the spring of 1836 that "There is not difficulty in getting as many as I want from there [Kentucky], but more difficulty in rejecting those I do not want."<sup>3</sup>

In July, General Gaines, on the Texas border, rather mysteriously and without authority, called upon Kentucky and other Mississippi Valley states for 1,000 men each, to march to Camp Sabine and be mustered into the United States forces. In response to this call, James T. Morehead, the lieutenant and acting governor, issued a proclamation calling for volunteers. He said: "Relying on the characteristic readiness of my fellow citizens to meet the calls of their country, I have not deemed it expedient to resort to any other mode of raising the required number of troops than a solicitation of their voluntary services. When the national honor or interest are to be sustained, it is confidently expected and believed that an appeal to the gallantry and patriotism of the citizens of Kentucky is all that is necessary to insure a full and ready compliance with the requisitions of the constituted authorities, and that the present occasion will be attended with the same exemplary displays of public spirit and love of country, which have so conspicuously distinguished their past history."<sup>4</sup> Kentuckians hastened to offer their service, and soon they were encamped in Frankfort, ready to march. But they were destined to receive a sad disappointment, for President Jackson, on hearing of Gaines' call, immediately notified the Kentucky governor that it was without authority, "and still more unaccountable, particularly as it is believed that our western frontier is now tranquil. Under these circumstances you will please cause the troops called for by the requisition in question, if they have been raised, to be discharged."<sup>5</sup> In disbanding his troops, Gen. Leslie Combs said: "Neither the deadly climate to which they were ordered nor the inevitable hardships and privations of a thousand miles' march, at the most unfavorable season of the year, could damp the ardor of the gallant *Hunters of Kentucky*, when called to rally under 'The Star Spangled Banner.'"<sup>6</sup>

But the cause of Texas was not forgotten in Kentucky. The battle of San Jacinto in April, 1836, spelled the doom of Mexican rule, and soon the Republic of Texas was seeking to become a new member in the family of nations. The Kentucky Legislature in January, 1837, called upon the United States Government to recognize the independence of Texas, if it constituted no violation of treaty stipulations, laws of nations, or national honor.<sup>7</sup> Texas was in all respects American, except that it was not a member of the American Union, and the dream of most Texans would only be half realized until this should be accom-

<sup>1</sup> J. E. Winston, "Kentucky and the Independence of Texas," in the *Southwestern Historical Quarterly*, I, No. 1 (July, 1912), 28-62.

<sup>2</sup> *Argus*, June 8, 1836.

<sup>3</sup> J. E. Winston, "The Attitude of the Newspapers of the United States Toward Texan Independence" in *Proceedings of the Mississippi Valley Historical Association*, 1914-15; Vol. 8, pp. 164-166.

<sup>4</sup> *Niles' Register*, Vol. 50, p. 365. Dated July 16, 1836.

<sup>5</sup> *Ibid.*, Vol. 50, p. 430. Jackson's letter dated August 7. Also see *Argus*, July 20, 1836; *American State Papers, Military Affairs*, VI, 986.

<sup>6</sup> *Niles' Register*, Vol. 50, p. 430. Dated August 13.

<sup>7</sup> *Acts of Kentucky*, 1836, p. 353. Dated January 24th.

plished. Recognition was granted in 1837, but annexation remained yet to feed the flames of sectional hatred and become the chief issue in the Presidential election of 1844.

Early in the year it was generally considered that Van Buren would be the democratic candidate and Clay the whig. Within a short while both had issued statements on the same day, as if through concerted action, declaring themselves opposed to the annexation of Texas, as it would mean war with Mexico. Van Buren by this action made his nomination impossible, as the slave-holding South had definitely set its heart on the inclusion of Texas in the Union. Instead, then, James Knox Polk of Tennessee was made the democratic candidate, and Henry Clay, who only strengthened his hold on his party by his pronunciamento, received the nomination of the whigs without a dissenting voice.

The campaign early developed much bitterness and excitement. In Kentucky Clay still held his great popularity. When he had returned to his home in 1842, a large celebration and barbecue had been held for him in Lexington, where George Robertson, the late chief justice of the State Court of Appeals, paid this tribute to him: "HENRY CLAY—*farmer of Ashland, patriot and philanthropist, AMERICAN statesman, and unrivalled orator of the age*—illustrious abroad, beloved at home: in a long career of eminent public service often, like *Aristides*, he breasted the raging storm of passion and delusion and, by offering himself a sacrifice, saved the republic; and now, like *Cincinnatus* and *Washington*, having voluntarily retired to the tranquil walks of private life, the grateful hearts of his countrymen will do him ample justice; but come what may, *Kentucky will stand by him*, and still continue to cherish and defend, as her own, the fame of a son who has emblazoned her escutcheon with immortal renown."<sup>8</sup> The Kentucky whigs immediately began grooming Clay for the Presidency. In September of this year, two years before the actual nomination, an elaborate barbecue was held at Frankfort endorsing him for the Presidency. Besides Clay, there were present John J. Crittenden, Garret Davis, and John White of Virginia, the Speaker of the House of Representatives of the United States. Preparations were made for 50,000 people, but fewer actually attended on account of the weather. According to a whig account, "We had beef here that out-virgined 'the virgin heifer' by a long odds: and there was no end to the mutton, lamb, veal, pork, pig, &c. There was enough left, after 5,000 hearty Whigs who were supposed to have eaten had satisfied their hunger, to have served for forty Locofoco barbecues, and more than enough to have fed all the Tylerites in the land all their lives, even though their lives were prolonged beyond the age of Methuselah."<sup>9</sup>

The fight was carried on in Kentucky with enthusiasm akin to that in the Harrison campaign of 1840. There were torch light parades and the old log cabins were resurrected again. Clay clubs sprang up throughout the state, with mass meetings and barbecues aplenty. But with all of Clay's ancient hold on the state and his present popularity, he found the support lacking that he had counted on, both in his state and the nation. The democrats undoubtedly had the popular side of the campaign issues in the South, and their skill in calling for the settlement of the Oregon question gained them much support in mildly anti-slavery circles. The cry of "Fifty-four Forty or Fight" sounded well and was a good vote-catcher. England should be made to get out of Oregon, and a country would be secured for the Union which could under no circumstance be considered as slave territory. The Kentucky Legislature had in 1843 passed a strong resolution calling upon the United States to secure Oregon and declaring "that it is high time that our government

<sup>8</sup> *The Works of Henry Clay* (New York, 1904), edited by Calvin Colton, II, 412.

<sup>9</sup> *Frankfort Commonwealth*, Nov. 1, 1842.

should assert our rights, and maintain them.”<sup>10</sup> The democrats had a valuable asset in Kentucky in their attitude on the annexation question. Kentuckians, irrespective of parties, had aided the Texans in their war for independence, and many were inclined not to forget their enthusiasm of the Texan cause, even to the annexation of the republic. Kentucky whigs claimed the annexation question was nothing but a democratic campaign trick—mainly to escape discussing domestic questions. The whig argument that Texas should not be annexed, as it would mean war with Mexico, lacked much of being convincing to those Kentuckians who had aided the Texans or sympathized with them. Kentuckians had never yet run from war, and even a war with Mexico might not be without its attractions. In fact, the Legislature in 1842 had indicated no friendly feeling for that country when it called upon the United States to secure the release of a party of Americans who, while on their way from Texas to Santa Fe, were captured by Mexicans and inhumanely treated, and furthermore to “vindicate to Mexico and the world the proud declaration that American citizenship is a shield against wrong and oppression throughout the globe.” It pledged Kentucky to support the United States in this action.<sup>11</sup>

The whigs of the South generally were dismayed at Clay's first statement concerning his attitude on the Texas question. Many calls came to him to soften his expressions, and he wrote certain letters in which he said that he had no personal objections to annexation “without dishonor, without war, with the common consent of the Union, on just and fair terms”—conditions which the settlement of few American questions could meet. In the gubernatorial campaign, William Owsley was running on the whig ticket against William O. Butler, the democratic candidate. Memories of the battle of New Orleans could not yet be foregone as a political weapon against the democrats. Butler, who was in the battle, was accused by the whigs of having sanctioned Jackson's censure of the Kentuckians.<sup>12</sup> By seizing this charge to use against Butler, they thought they could at least neutralize any military renown that might attach to his name and redound to the benefit of the democratic party. The August election carried the whigs into power in the state, but with less than a 5,000 majority vote, as compared with a majority of over 15,000 in the preceding gubernatorial election. Although there was no fear that Clay would not carry his own state, this vote indicated that his chances were not bright for the country as a whole. The November election gave him a majority in Kentucky of almost 10,000 votes, but by failing to carry New York he failed of the Presidency, receiving 105 electoral votes to Polk's 170.<sup>13</sup>

There was much rejoicing among the democrats of the state. On the news of Polk's election, cannon were fired all day in Lexington, and it was charged by the whigs that they were so strategically placed as to be best heard at Ashland—an affair which they declared showed poor taste, to say the least.<sup>14</sup> The whigs felt the sting of defeat very bitterly. Perhaps at no election had Kentucky whigs ever felt defeat more keenly. They professed to believe that the country was in the hands of its enemies and that its future was filled with the almost insurmountable perils of democratic rule. Some consolation was found in the fact that the state was at least still under good whiggery rule. According to one whig editor, the people would now have to rely almost wholly on their state for the blessings of good government, and, “as it is all that is left us,

<sup>10</sup> *Acts of Kentucky*, 1842, pp. 283, 284.

<sup>11</sup> *Acts of Kentucky*, 1841, p. 295. Dated January 6, 1842.

<sup>12</sup> *Lexington Observer and Reporter*, June 22, 1844.

<sup>13</sup> Collins, *History of Kentucky*, I, 49, 50; *Lexington Observer and Reporter*, Nov. 30, 1844.

<sup>14</sup> *Ibid.*, Nov. 20, 1844.

we hope that the Legislature of Kentucky will so act, if possible, as to enable us to do without the General Government for the next four years, by which time the country will be sick of these tinkering experiments, if they have the nerve to carry out their principles."<sup>15</sup> The defeat of Clay was regarded by many whigs as almost a personal bereavement and sorrow. After voting for Clay, the electoral college of the state, with Governor Owsley and ex-Governors Metcalfe and Letcher, came in a body from Frankfort and, followed by many citizens of Lexington and a company of artillery, went to Clay's home at Ashland to offer a personal tribute to him. While many wept, Joseph R. Underwood delivered this sentiment to Clay on his doorstep: "In the shades of Ashland, may you long continue to enjoy peace, quiet, and the possession of those great faculties which rendered you the admiration of your friends, and the benefactor of your country. And when, at last, death shall demand its victim, while Kentucky will contain your ashes, rest assured that old and faithful friends, those who, knowing you longest, loved you best, will cherish your memory and defend your reputation."<sup>16</sup> He attributed Clay's defeat to the campaign of envy, malice and slander conducted by his enemies.<sup>17</sup>

Governor Owsley, in his first message to the Legislature, could not forget that the country was to be upset and in turmoil for the coming four years, due to the Democratic victory. How much better would the settlement of such questions as the tariff and the currency be, had only Clay been elected, he exclaimed. He charged that frauds had been rampant in the election and intimated that had it been otherwise Clay would have been elected.<sup>18</sup> Bereft of national power, the whigs could at least use their old weapon against Jackson and the democrats by voting down the customary resolution to fire a salute for New Orleans. The Senate killed the resolution by a vote of 13 to 12, and the House, 52 to 41. According to the press account, "Neither (boasted) indebtedness for past services, regard for a long established precedent nor the recollection of the brave slander upon the heroism and valor of Kentuckians, warrant their Representatives in the commemoration of the 'illustrious bravery of Gen. Jackson.'" <sup>19</sup>

The truth of the main objection Clay had argued against the annexation of Texas was soon verified. Before Polk was inaugurated, the decision to annex Texas was taken by President Tyler and Congress, and on December 29, 1845, Texas became a state in the American Union. Mexico immediately broke off diplomatic relations with the United States upon Tyler's move, and a few months later gave warning that the admission of Texas into the Union would be equivalent to a declaration of war. With Mexico in such a temper, there was little hope of a peaceful settlement. Besides the Texas trouble, particularly the question of the southern limits of that state, the United States had numerous long-standing claims against Mexico, the collection of which was still a troublesome problem. The mission of Slidell to Mexico in the interests of peace having failed, President Polk ordered Gen. Zachary Taylor into the disputed territory as far as the Rio Grande. He was attacked by the Mexicans, and on May 12, 1846, the United States officially recognized war with Mexico.

Regardless of whether or not the war was a democratic war in the interests of the South, as charged by the anti-slavery element, the whig State of Kentucky never entered a war with greater zest and enthusiasm.

<sup>15</sup> *Lexington Observer and Reporter*, Jan. 1, 1845.

<sup>16</sup> Colton, *Life and Times of Henry Clay*, I, 37.

<sup>17</sup> *Lexington Observer and Reporter*, Dec. 10, 1844.

<sup>18</sup> *Lexington Observer and Reporter*, Jan. 1, 1845.

<sup>19</sup> *Ibid.*, Jan. 11, 1845.

During the preceding year, when Governor Owsley was notified by the War Department that General Taylor had been authorized to call on Kentucky for troops if he should need them, the Kentucky executive replied that the state would respond immediately to any requirements that should be made.<sup>20</sup> Immediately on information of the beginning of hostilities, the Louisville Legion, consisting of eight companies offered its services to the governor. Although no call had yet been made upon the states by the President, it had been learned that Congress had authorized a call for troops, and Governor Owsley, in order to put Kentucky first in the field, issued on May 17 a proclamation for the people to form themselves into companies and be ready to report to him. He also, before the call for troops had been received, not only accepted the services of the Louisville Legion, but also ordered it to charter a fast steamer and proceed without delay to reenforce General Gaines.<sup>21</sup> On the same day on which he issued his proclamation, Governor Owsley wrote the Secretary of War: "Kentuckians are no laggards in a cause like this. The Louisville Legion, a volunteer corps of the State of Kentucky, composed of eight companies, have offered their services in the expected emergency, and, in anticipation of a formal call from the War Department at Washington, I have concluded to accept their services and report them to General Gaines at New Orleans without delay."<sup>22</sup> Besides the Louisville Legion, under Colonel Ormsby, there were ready a regiment of infantry in command of Col. William R. McKee and a regiment of cavalry under Col. Humphrey Marshall. Other Kentuckians of note besides General Taylor of the regular army who entered the war were William O. Butler and Cassius M. Clay. The patriotic ardor of the state was so high that 13,700 volunteers came forward to fill a call of 2,400, the quota assigned to Kentucky. Factories in Louisville were forced to shut down, due to the volunteering of all the workmen for the war. Kentuckians not only offered themselves to their governor, but also their money. William Preston procured a subscription of \$50,000 in Louisville as a loan to the state, and the Northern Bank of Kentucky in Lexington tendered the governor \$250,000.<sup>23</sup>

The main battle in which the Kentuckians participated was Buena Vista, which ever after loomed large in their minds. About 900, or nearly one-fifth of General Taylor's command, were Kentuckians, and of these 900, 162 were killed. In September of 1847, the Kentucky dead were brought back from the battlefield and interred in the Frankfort cemetery, where a gathering, declared to be "the largest concourse of people ever assembled in Kentucky," paid their last respects.<sup>24</sup> The renown of having fought in this battle carried much weight with it in politics, and more than one "Buena Vista candidate" ran on his battle record and won.<sup>25</sup>

Before the end of the Mexican war the country was beginning to think of the approaching Presidential election. General Scott had attracted some favorable attention of the Whigs, but after the battle of Buena Vista, Taylor quickly arose to be the outstanding figure. The glamour of a military hero had never ceased to carry far in Kentucky, and with Taylor, almost a native born son,<sup>25a</sup> filling that role now, Kentucky

<sup>20</sup> Collins, *History of Kentucky*, I, 51.

<sup>21</sup> *Niles' Register*, Vol. 70, p. 199, 200.

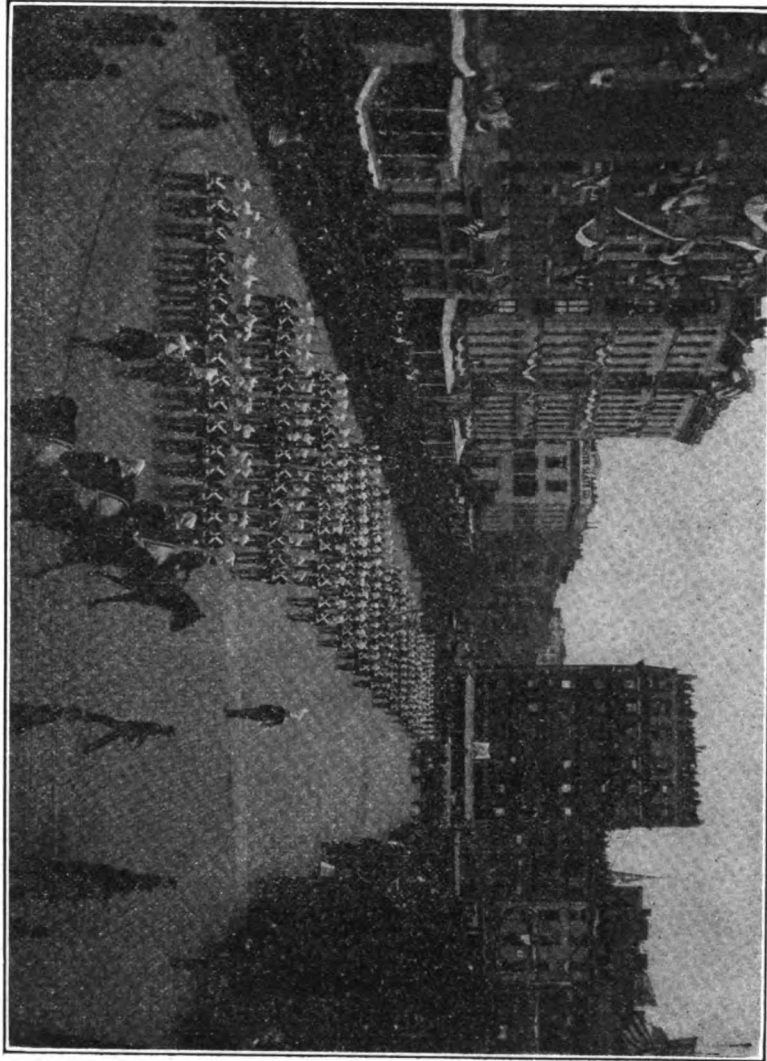
<sup>22</sup> *Ibid.*, 200.

<sup>23</sup> Collins, *History of Kentucky*, I, 53; *Niles' Register*, Vol. 70, p. 202.

<sup>24</sup> *Niles' Register*, Vol. 72, pp. 362, 363. In the summer of 1847, an additional call for two regiments was quickly filled, with many volunteers left out. *Kentucky Yeoman*, Sept. 23, 1847.

<sup>25</sup> See *Breckinridge MSS.* (1848).

<sup>25a</sup> He was nine months old when his parents moved to Kentucky. But he was believed by many to have been native-born.



LOUISVILLE LEGION IN NEW YORK, 1889

whiggery had a mighty battle to fight within itself between this hero and her favorite son, Henry Clay. By a coincidence, on the same day that the battle of Buena Vista began, the Kentucky Legislature passed a resolution of praise and appreciation of Taylor's generalship and of the courage of his men, as shown in the battles of Palo Alto, Resaca de la Palma, and Monterey. It voted him a sword and declared "That the admiration, gratitude and thanks of the people are due, and are hereby tendered, to Major-General Taylor, to his officers and men."<sup>26</sup> Although this was not an indorsement for the Presidency, it paved the way for such a stand later and made it easier.

But Taylor was a Kentuckian and a military hero, so why should any group of Kentuckians have sole claim to him? He had not been a strong party man, and his views on national issues were little known, if indeed he had taken time to formulate them at all. Under such circumstances, in the spring and summer of 1847 meetings began to spring up over the state, largely non-partisan but most likely more democratic than whig, recommending Taylor for the Presidency.<sup>27</sup> A meeting in Scott County wanted Taylor because he was non-partisan and would, therefore, uphold the best interests of the country along all lines. The regular democratic leaders of the state became worried over these meetings. They declared that the people should wait until Taylor came out with his principles before pushing him so far, that he was after all a whig, and that the democrats were playing into the hands of the whigs by urging him. They should wait for the democratic convention to act.<sup>28</sup>

The whigs were not disposed to relinquish their claims on the victor of Buena Vista, regardless of democratic pretensions, and even at the expense of deserting Clay. In 1844 some discontented whigs had suggested in the Kentucky Legislature the name of Taylor for the Presidency instead of Clay, and a resolution was actually offered to that effect in the Senate.<sup>29</sup> A definite feeling had been forming in the minds of some of the Kentucky whig leaders that Clay could not be elected, that he had tried three times already, and that it was time now for the whigs to pick a winner for 1848. John J. Crittenden was one of the foremost of those who thought this way. He had been in correspondence with Taylor while he was still fighting in Mexico, and undoubtedly in a general way he was trying to gain an estimate of the man as a candidate. Many letters came to Crittenden suggesting Taylor. George W. McAdams wrote him in November, 1847, that many Kentuckians had determined "to adhere to the Old Hero as the only available candidate, as in truth he is. Mr. Clay cannot be elected! The thing is impossible. Taylor can be, or at all events, if he cannot, no whig can." He believed that the whigs of Kentucky should use their reason and best judgment, and not be bound by the sentimentalism that would make a perpetual candidate of Clay, and as often bring about the defeat of the whig party.<sup>30</sup> Many others had the same ideas as to Clay's availability, but they were more sympathetic toward his leadership. The revolt against him seemed to be actuated almost wholly by the conviction that Clay could not lead the whigs to victory, while another might—and that candidate would be Taylor. John B. Bibb wrote Crittenden, December 25, 1847, that, while the Kentucky whigs "would prefer to see Mr. C. President in preference to any other man in the nation, they think General Taylor the most available candidate, and would greatly prefer that he receive the nomination." In the light of the feeling, both in Kentucky and in the nation

<sup>26</sup> *Acts of Kentucky*, 1846, pp. 383, 384.

<sup>27</sup> Such a meeting was held in Shelby County in May, *Kentucky Yeoman*, May 27, 1847.

<sup>28</sup> *Ibid.*, Sept. 30, Oct. 21, etc., 1847.

<sup>29</sup> Coleman, *Life of John J. Crittenden*, I, 220.

<sup>30</sup> *Crittenden MSS.*, Vol. 10, Nos. 1989, 1990. Dated November 25.

at large, he hoped Clay would soon definitely announce that he would not accept the nomination.<sup>81</sup> Many who had followed Clay all their lives felt their heartburns when they were forced to make a choice. If Clay had only declined to be in the race, their aches had been spared. One admirer admitted he was for Taylor, but exclaimed: "But oh how I was and have been pained and mortified at what seemed to me impatient and hasty efforts of Kentucky to be the first to discredit that high and faithful man, Clay."<sup>82</sup> Crittenden expressed himself in a like vein: "I prefer Mr. Clay to all men for the Presidency, but my conviction, my involuntary conviction, is that he cannot be elected."<sup>83</sup>

Clay and his friends made a strong effort to head off the movement. Taylor, in the latter part of 1847, was waiting with becoming humility for Clay or some other recognized whig leader to loom up as the outstanding candidate, and he informed Clay that he was "ready to stand aside, if you or any other whig were the choice of the party, and \* \* \* I sincerely hoped such might be their decision." But as the movement in his favor continued to grow and spread, he informed Clay in April of 1848 that he was in the hands of the people and he would have to abide by their decision.<sup>84</sup> In the early period of the Taylor movement Leslie Combs, Benjamin Gratz, D. C. Wickliffe, George Robertson and others sent out a circular letter secretly to certain whigs cautioning them against the Taylor enthusiasm and warning them that it was tending to disrupt the party. They declared that Clay should be the nominee.<sup>85</sup> Leslie Combs wrote Crittenden in February, 1848, that the Taylor candidacy was dangerous, and that "The whig party will be split to pieces—mark what I say—I see the elements of Strife & Violence already at work."<sup>86</sup> Clay felt very bitterly the desertion of his Kentucky life-long supporters. He wrote Crittenden in September, 1847, that he had to own "to you that the Movements in K. have occasioned me some mortification. They wear the aspect of impatience under the ties, which have so long bound me to the State and the Whig party, and an eager desire to break loose from them."<sup>87</sup> And he later wrote to a friend, asking: "What is it, after the long period of time during which I have had the happiness to enjoy the friendship and confidence of that State, what have I done \* \* \* to lose it?"<sup>88</sup>

But the tide was turning from Clay to Taylor, and nothing could stop it. The Legislature, in January, 1848, passed a resolution inviting Taylor to visit Frankfort, as the people were "desirous of testifying their high appreciation of the signal services he has rendered his country in the battles of Palo Alta, Resaca de la Palma and Monterey, and in the last and unparalleled achievement at Buena Vista, their admiration of his virtue, his modesty, his justice, his kindness and benevolence to the soldiers under his command. \* \* \*"<sup>89</sup> On its face the resolution had no political significance, but it could not help but greatly further Taylor's cause. However, as a patriotic move, perhaps to combat the impression that the Taylor resolution was political, in February the Legislature complimented General Scott and his men.<sup>40</sup> Despite the absence

<sup>81</sup> Crittenden MSS., Vol. 10, Nos. 2015, 2016.

<sup>82</sup> Ibid., Vol. 11, Nos. 2098, 2099. L. W. Andres to Crittenden, Feb. 14, 1848.

<sup>83</sup> Coleman, *Life of John J. Crittenden*, I, 290. Crittenden to A. T. Burnley, January 8, 1848.

<sup>84</sup> Colton, *Private Correspondence of Henry Clay*, 557-560.

<sup>85</sup> *Kentucky Yeoman*, Nov. 26, 1847.

<sup>86</sup> Crittenden MSS., Vol. 11, Nos. 2123, 2124. Dated February 27th.

<sup>87</sup> Ibid., Vol. 10, Nos. 1969, 1970. Dated September 27th.

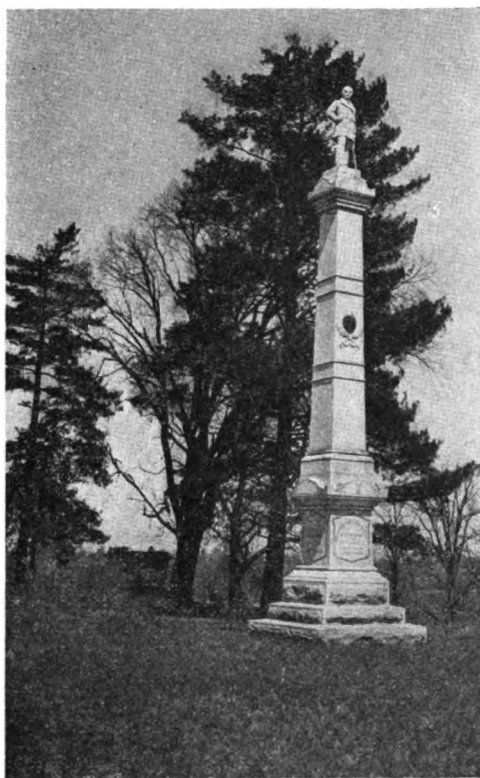
<sup>88</sup> Colton, *Private Correspondence of Henry Clay*, 554. To H. T. Duncan, February 15, 1848.

<sup>89</sup> *Acts of Kentucky*, 1847, pp. 479-480.

<sup>40</sup> Ibid., 482, 483. Dated February 18th. It read in part: That General Winfield Scott by a series of glorious victories unparalleled in the history of war \* \* \*



of a resolution to the direct effect, the Legislature was strongly in favor of Taylor, and, according to John L. Helm: "Nothing but a reluctance to wound Mr. Clay's feelings prevents the presentation of a legislative nomination of Genl. T., and indeed such is the coming in of popular opinion that I doubt whether it will be much longer restrained."<sup>41</sup> There was little harmony in the state convention, but the Taylor supporters were in a majority.<sup>42</sup> It was a misfortune of Clay's that he had no military renown to stand him in good stead when all his other qualifications failed him, in a state where the glories of war were such potent weapons.



GEN. ZACHARY TAYLOR, MONUMENT  
12th President of United States

But, regardless of such aids, he had held his state true to himself against the outstanding military hero of the times, Andrew Jackson, and there can be no question that he would have completely routed the victor of Buena Vista, had he not already failed three times to bring the whigs victory.

In the Whig National Convention at Philadelphia in June, Taylor was nominated on the fourth ballot, and Clay's chances for the Presidency were forever gone, deserted by seven of the twelve Kentucky delegates. Clay felt with bitterness the loss of the nomination and the desertion of a majority of the Kentucky delegates, "who, in violation of the desire of their constituents, voted against me. \* \* \*"<sup>43</sup> Crittenden

by which he has attracted to himself and his army the admiration of the world, has entitled himself to the thanks and gratitude of the people of Kentucky, which are hereby tendered and cordially given."

<sup>41</sup> *Crittenden MSS.*, Vol. 11, Nos. 2042, 2043. To Crittenden, January 11, 1848.

<sup>42</sup> See *Ibid.*, Nos. 2111, 2112; *Breckinridge MSS.* (1848), W. C. Anderson to Robert J. Breckinridge, February 17, 1848.

<sup>43</sup> Colton, *Private Correspondence of Henry Clay*, 566.

wrote him: "It has along seemed to me that there was not the *certainty* of success which alone could warrant your friends in again presenting your name as a candidate."<sup>44</sup> These two distinguished Kentuckians became estranged and Clay never wrote Crittenden thereafter.<sup>45</sup> The democrats met in Baltimore in May and on the fourth ballot nominated Lewis Cass, of Michigan, for the Presidency. William O. Butler, a Kentucky statesman and warrior, was named for the Vice Presidency.<sup>46</sup>

The state nomination and campaign for governor were of much interest. John J. Crittenden resigned his position in the United States Senate to make the race for governor for the whigs. The democrats nominated Lynn Boyd and set about starting the campaign, when to their surprise Boyd declined the nomination. A tangle in party affairs now developed which virtually destroyed any chances the democrats might have had in carrying the state. The State Central Committee had the power to fill all vacancies in the nominations, after the convention should adjourn, but for some reason it was slow in acting. In the meantime Richard M. Johnson, a democrat of high standing and at one time the Vice President of the United States, came forward on the solicitation of many of his friends and announced his candidacy. Then the Central Committee announced the name of Lazarus W. Powell, and confusion was worse confounded. But the tangle was not yet complete. Boyd felt mistreated because, as he claimed, the committee had not met certain conditions he had laid down in his resignation. Johnson at first refused to withdraw, with the result that the party was split asunder. County meetings were gotten up throughout the state to ratify the action of the Central Committee in naming Powell. In the face of this, and to save party unity, Johnson withdrew—but not without the feeling by him and his friends that he had been badly treated.<sup>47</sup> The campaign was hotly fought by the democrats, with Powell carrying the fight into every county of the state, except ten. The old trick of maneuvering in the Legislature to pass the resolution for firing the salute for the Battle of New Orleans was carried out in a little different fashion this year. A resolution was passed, but not signed by the governor until January 12, providing for the salute to New Orleans (but the anniversary had passed four days previously), for Washington's birthday, and for the battle of Buena Vista. The resolution so mixed passed the whig majority, and was signed by the governor in time to catch the last two occasions only.<sup>48</sup> The result of the state election was a whig victory as usual, but not by the majority that the whigs once had. Even Crittenden was unable to carry the state by scarcely more than 8,000 majority in a total vote of over 110,000.<sup>49</sup> The democrats took their defeat with good grace, with the feeling that it might have been much worse, and the next time victory might be theirs. A democratic editor said: "We do not intend to be captious about it—we were beat, and we stand a beating well; we are used to it."<sup>50</sup> Taylor carried the state by a majority of over 17,000 votes, beating Cass throughout the country by 163 electoral votes to 127, and Kentucky for the first time was honored with one of her sons in the Presidency. When Taylor passed through the state in February, 1849, he was enthusiastically received. The Legislature resolved to appoint a committee to meet him at Louisville and escort him to Frankfort, where his arrival was to be announced by a salute of thirty guns.<sup>51</sup>

<sup>44</sup> Coleman, *Life of John J. Crittenden*, I, 301.

<sup>45</sup> They became reconciled on Clay's death bed.

<sup>46</sup> See *Library of Southern Literature*, XV, 65.

<sup>47</sup> *Kentucky Yeoman*, March 30, April-June, 1848.

<sup>48</sup> *Acts of Kentucky*, 1847, p. 479.

<sup>49</sup> Collins, *History of Kentucky*, I, 57.

<sup>50</sup> *Kentucky Yeoman*, Aug. 3, 1848.

<sup>51</sup> *Acts of Kentucky*, 1848, p. 447. Resolutions of January 8th and 13th.

From strong interests in national affairs, which had engaged most Kentuckians for the past decade, the state now turned to a problem persistent and long-standing—the calling of a convention to amend the Constitution. A demand arose for the revision of the Constitution of 1799 before that instrument was a half dozen years old, and it continued with varying degrees of intensity down until success was had in 1849.<sup>52</sup> A strong recurrence of the movement came in 1837, when a bill for the first time passed the Legislature “to take the sense of the people as to the expediency and propriety of calling a convention to revise the Constitution of this state.”<sup>53</sup> The fight was carried through chiefly as a democratic move, and generally opposed by the whigs. However, the reformers of every party and of every type and character stood for the convention for their own particular and peculiar reasons. Some wanted the judiciary elective, others wanted the Legislature elected every two years, while the emancipationist boldly seized the opportunity to urge the incorporation of an emancipation clause into the new constitution.<sup>54</sup> The whig leaders were strongly opposed to the call, and early convinced themselves that this was a democratic trick to gain power and perpetuate it. They warned the whigs against voting for the convention.<sup>55</sup> Orlando Brown wrote Crittenden on the passage of the convention bill: “The Van Buren men are elated beyond measure, and well they may be. They have succeeded in opening the way for them to come into power and to perpetuate it. We, of course, will do our duty to stop the tide, but we battle with fearful odds.”<sup>56</sup> But the democrats had started something they did not care to see continued, for the emancipationists made it virtually an anti-slavery fight. With or without their invitation, Northern abolitionists entered the fight and almost discredited it. The *New York Emancipator* considered it almost as a New York fight and roused up against the convention many Kentuckians who would have otherwise voted in its favor.<sup>57</sup> The result was that only a few over 28,000 out of a total vote of more than 104,000 favored the convention. As less than 27 per cent of the voters, instead of the required majority, voted for the convention, the question was now dead.<sup>58</sup>

But there was discontent back of the convention question that could not be permanently silenced, even by the fear of abolitionists or emancipationists gaining control. In January, 1847, the Legislature again passed a bill calling for a vote on a Constitutional Convention, carried in the House, 81 to 17, and in the Senate, 30 to 8. Again the democrats were found pushing the fight, but in a whig Legislature the foregoing vote indicated a strong whig support. The whig leaders feared to boldly and openly attack the convention; they rather remained silent and hoped. A very few of the whig editors supported it; more remained silent; and some opposed. The real friends of the convention sought to make the movement wholly non-partisan. They were partially successful. The first popular vote was taken in August, 1847, and resulted in a good majority favoring calling the convention. The vote stood 92,693 for the convention out of a total of 137,311 qualified voters in the state.<sup>59</sup> Greatly heartened by this victory, the friends of a convention carried

<sup>52</sup> In the session of 1805 the Legislature defeated a bill to submit the question to the people. Marshall, *History of Kentucky*, II, 374. In 1830 such a bill was defeated in the Senate by only one vote, having previously passed the House. *Niles' Register*, Vol. 37, p. 341.

<sup>53</sup> Collins, *History of Kentucky*, I, 42.

<sup>54</sup> *Kentucky Gazette*, Feb. 1, 1838.

<sup>55</sup> Crittenden MSS., Vol. 6, Nos. 991-993. M. Brow to Crittenden, February 19, 1838.

<sup>56</sup> *Ibid.*, Vol. 5. Dated December 20, 1837.

<sup>57</sup> *Kentucky Gazette*, March 22, 1838.

<sup>58</sup> Vote given in Collins, *History of Kentucky*, I, 43.

<sup>59</sup> *Ibid.*, 54, 55; *Niles' Register*, Vol. 72, p. 400; *Kentucky Yeoman*, Aug. 19, 1847.

forward the campaign for the next year with great vigor—a second majority vote being required by the constitution before the convention could be called. The *Convention*, a newspaper edited by R. C. McKee in the interests of the convention during the past campaign, was continued, and the *Examiner* was continued by the opposition.<sup>60</sup> When the vote was taken in August, 1848, it was found to be even much larger than the former one. Almost 102,000 out of a total qualified vote of slightly over 141,000 stood in favor of the convention.<sup>61</sup> The Legislature was required to call for an election of delegates. Governor Crittenden, in his message of December 30, 1848, referred to the new situation with a touch of warning: "The people of Kentucky should remember that their old constitution has been to them the shadow of a great rock in a weary land; that it has protected them in the midst of strong excitements and the most embittered party conflicts; and that it had the power to do this because it was not the work of party, but of patriotism and political wisdom."<sup>62</sup>

As the time for the election for delegates approached, there was much searching of hearts and minds as to why the convention had been called and what should be done. The program of action for the convention ought not to be unknown and undefined before that body should meet, for in its hands lay the destiny of the state. Every ancient right and usage now came in their power to be amended or abolished. Everyone except the emancipationists was anxious to mark out the reforms that should be made, to set limits beyond which the convention should not go. This was done through a constant stream of articles in the press of the state from the voter with no pretense to leadership up to the statesman. A general meeting to map out a program for the convention was suggested and urged by the *Kentucky Yeoman*, to convene in Frankfort on January 8 (1849), but nothing came of its efforts. But in the early part of February a meeting was held at the same place, not well attended, which, however, laid down twelve reforms that should be carried out in the new constitution. It specifically urged that the relation between master and slave be left untouched.<sup>63</sup> Other meetings were held at different places in the state, suggesting their reforms, and almost invariably calling for no tampering with slavery. Both democrats and whigs were agreed on ignoring the slave question in the convention, with the former occupying the stronger position in the confidence of the people on that question.<sup>64</sup>

Apart from the disturbing question of slavery, which was kept so prominently before the people by the emancipationists, there were demands for various reforms that stood out. The people had long felt that their constitution was not abreast of the times, that it was far from being in accord with the advancement in democracy that had been made in other states, and that it ill comported with the desires of Kentuckians in this respect. The very heart of the movement was that a host of officials were appointed, whom they thought should be elected by the people. And foremost among these was the judiciary, which had been the cause of the bitter struggle in the days of the court troubles. Some saw a virtual tyranny in the thousands of judges, justices of the peace, sheriffs and various other officers whom the people had no power over in election.

<sup>60</sup> See *Kentucky Yeoman*, Oct. 21, 1847.

<sup>61</sup> *Niles' Register*, Vol. 75; Collins, *History of Kentucky*, I, 57; *Kentucky Yeoman*, Aug. 7, 1848.

<sup>62</sup> Coleman, *Life of John J. Crittenden*, I, 332.

<sup>63</sup> *Kentucky Yeoman*, Jan. 25, et seq., 1849; *Niles' Register*, Vol. 75, pp. 122, 256.

<sup>64</sup> The Democratic members of the Legislature met on January 23 (1849) and pledged themselves not to vote for Clay for United States Senator under any circumstances "on account of his free soil principles, and, as we understand, his emancipation tendencies." *Kentucky Yeoman*, Feb. 1, 1849.

One reform editor declared that the state was sorely beset by these appointees, "in all four or five thousand officers, who visit every house, insinuate themselves into every man's business and their hands into every man's pockets—who are arbiters of our lives, liberties and property, and yet are totally irresponsible to the great appointing power—the people."<sup>65</sup> Closely connected with this horde of appointed office-holders, in fact an integral part of the system, was the long-decried practice of selling offices. As charged by the editor of the *Kentucky Yeoman*, "In very truth, the whole system of official appointments and tenures in this State at present is but one vast mart for the sale and retention of official plunder." He charged that it was one vast system of corruption and nepotism.<sup>66</sup>

There were many other lesser reforms desired—all looking toward a greater degree of democracy. Elections extended over a period of three days, and made it easy for corruptions and manipulations of many kinds to creep in. This should be changed by having all votes cast on one day. The state had wasted the people's money lavishly on internal improvement projects and in other ways, borrowing vast sums and obligating unborn generations. The right of the Legislature to borrow money should be restricted. The people had seen time and again beautiful plans for popular education adopted and large sums of money set aside for the purpose; but the people still remained uneducated and without a public school system. The new constitution should provide for the education of the masses, and the school fund should be protected. People overtaken by poverty and misfortune were sold out of their homes and all. A homestead exemption should be incorporated in the new instrument. Many people believed that it was a needless expense and a waste of the people's time without recompense to elect the Legislature every year and thereby have annual sessions. Biennial elections and sessions would better conserve the people's interests. A reapportionment of representation was also urged as necessary to the outgrowing centers of population. Each county had only one senator, regardless of its population. Jefferson County, with its great City of Louisville, which showed no signs of slacking in its fast population growth, had only one senator and, under the present arrangements, regardless of the increase, no greater representation in the Senate could be had. This should be remedied in the new constitution. The constitution was, furthermore, vague in numerous places—a vagueness which had on more than one occasion caused great trouble and inconvenience. The most dangerous of these obscurities was the method of providing for the gubernatorial succession. The dangerous commotion connected with Slaughter's accession was not forgotten. There was also a general discontent with the character of the Legislature, and more particularly of the legislation they turned out. Bills without number, of the most trivial importance, were enacted, taking up the valuable time of the legislators, while vital measures were allowed to die. Special legislation ought to be prohibited. The Legislature which adjourned in 1848 was declared to have afforded a striking example of these evils. This Legislature passed about 600 laws, and it was charged that "not half a dozen of which will probably ever be of the least public utility to the country. They were engaged sixty days in every species of legislation it is possible to think of, and we venture to say if there had been no Legislature this winter, the country would have been one hundred thousand dollars better off. The number of private bills is unusually great, and the number of divorces alarming. There are forty-four distinct laws divorcing persons, and one of them, known during its passage through the Legislature as

<sup>65</sup> *Kentucky Yeoman*, Oct. 8, 1846.

<sup>66</sup> Oct. 15, 1846.

the 'omnibus bill,' divorces some twenty-six persons all at a dash. There are perhaps seventy couples divorced. There are also twenty-three separate acts changing the names of persons, and some of them changing about a dozen at a time. If this State of things is allowed to progress, people will hardly know in a few years their nearest acquaintances by name, or who is or is not married."<sup>67</sup>

There were a considerable number of strong conservatives in both parties, but principally whigs, who were opposed to most of these reforms (and therefore against the convention), but who feared to come out strongly against the spirit of the times. They concealed their opposition mostly in silence or in such warnings against hasty action and change as greet all reforms. Some called attention to the fact that the constitution had been made by their venerable forefathers and that it should not be tampered with out of respect to their memory and their ability.<sup>68</sup>

In the contest for the election of delegates, caused partly by the fear of the abolitionists and emancipationists, party lines at times were forgotten. Much real thinking was done by the people generally, and as a result in a number of places candidates were elected because of their known views on reforms rather than of the fact that they were whigs or democrats. The *Kentucky Yeoman* characterized the campaign and election thus: "Everything seems to have been thrown into confusion, and we find democrats returned from the hitherto strongest whig counties, and whigs from old, steadfast democratic counties. It is evident to us that there must be a new formation of parties in this State; those in favor of liberal Constitutional reforms constituting one party, and the conservatives and aristocracy the other."<sup>69</sup>

As heretofore noted the democrats won a majority of the delegates and organized the convention with James Guthrie as president. The convention had many able men in it, and in many respects was a remarkable body.<sup>70</sup> But George D. Prentice's *Louisville Journal* saw in it a strange mixture: "It contained men remarkable for their information, and others remarkable for the want of it. It contained some wonderful for their endowments by nature and their acquisitions by study; and others, about whom the only wonderful fact was that they had ever got into such a body at all. There were men of much thought who never spoke; and not a few who seldom thought, but who seemed quite willing to speak all the time. There were old men of talent, much experience and great practical wisdom in the business of legislation. There were scores of men of middle age, of fine intellect, good information, and excellent sense; and there were three or four at least of young men, of more than ordinary promise, who in this convention first began to emerge into distinction. But after all, the body was perhaps as remarkable for those who were not as for those [who] were in it. Clay and Crittenden refused to be candidates, Robertson [Robert J.] Breckinridge, Morehead, and T. F. Marshall were candidates, and defeated. Is it not a remarkable thing that a convention should have assembled in Kentucky in which none of these six greatly distinguished citizens held seats?"<sup>71</sup> Deliberations began on October 1 (1849) and continued until December 21st.

Various changes were made in the new constitution looking toward a closer control of the government by the people, and carrying out in general the reforms agitated before the convention met. With regard to the legislative department, the House in its entirety was made elective every

<sup>67</sup> *Kentucky Yeoman*, March 10, 1848. For the reforms desired see *Niles' Register*, Vol. 75, pp. 122, 256; *Kentucky Yeoman*, Feb. 18, 1848; March 4, 1847; Aug. 9, 1849.

<sup>68</sup> *Kentucky Yeoman*, Feb. 25, 1847.

<sup>69</sup> *Ibid.*, Aug. 9, 1849.

<sup>70</sup> *Kentucky Yeoman*, Oct. 4, 1849.

<sup>71</sup> Quoted in *Lexington Observer and Reporter*, Jan. 9, 1850.

two years, while one half of the senate should be replaced biennially. By meeting certain population requirements, cities were given representation in both houses, and for purposes of election a census was ordered every eight years. Districts were provided for in the election of both senators and representatives, with the provision that no county should be divided, but in the case of representation in the House when a county did not contain the required number of voters for a representative it might be joined to other counties to secure the required number. Certain of the old powers of the Legislature which had been abused in the past were taken away. It would no longer grant divorces nor change the names of people nor engage in certain other special legislation. The sinking fund was protected from diminution by the Legislature, by providing that the whole resources of this fund, from year to year, should be sacredly set apart and applied to the payment of the interest and principal of the state debt, and to no other use or purpose, until the whole debt of the state should be fully paid and satisfied. To further guard its credit the state was put in a remarkably strong financial position. Now the right of the general assembly to contract debts was limited to \$500,000 except "to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense." With certain limitations, all debts contracted had to be provided with taxing arrangements which would meet the interest payments each year and discharge the debt within thirty years, and such act borrowing money had to be submitted to a popular vote and receive "a majority of all the votes cast for or against it." All appropriations of money amounting to more than \$100 had to receive a majority in both houses of all elected members and their names were required to be entered on the records. It was further provided that all bills should relate to one subject only and that that should be stated in the title. Sessions were limited to sixty days unless a two-thirds majority of both houses should direct otherwise.

The governor was elected for a term of four years and made incapable of succeeding himself. The obscurities of the gubernatorial succession in the old constitution were cleared up by specifically providing that in case of vacancy in the office before two years of the term shall have expired, a new election should be called by the lieutenant governor or such other officer filling the position.

One of the most far-reaching changes concerned the judiciary. All judges were hereafter to be elected by the people and serve a fixed term—the judges of the Court of Appeals, eight years, judges of the circuit courts, six years, and the county court judges, four years. A great host of officers heretofore appointive were now made elective, such as the county attorney, clerk, surveyor, coroner, and jailer. As if democracy had not permeated far enough, this further provision was made: "The general assembly may provide for the election or appointment, for a term not exceeding four years, of such other county or district ministerial and executive officers as shall, from time to time, be necessary and proper." The wisdom of this change has long been doubted by many, but Kentucky was here only tardily following the lead of the great majority of the other states.

A number of other important reforms and changes were made. Dueling had been frowned upon at least twice, but the death blow was not given, as the politicians and official class were the chief users of this method of settling disputes. All officials and members of the General Assembly were required to take this oath: "\* \* \* I do solemnly swear (or affirm) that since the adoption of the present constitution I, being a citizen of this State, have not fought a duel, with deadly weapons, within this State, nor out of it, with a citizen of this State, nor have I sent or accepted a challenge to fight a duel, with deadly weapons, with a

citizen of this State, nor have I acted as second in carrying a challenge, or aided or assisted any person thus offending: So help me God." A section of the constitution provided that any person fighting a duel or being implicated in various specified ways should forfeit the right to hold office in the commonwealth and be subject to such punishment as the General Assembly might prescribe. But it was immediately added that the governor could pardon such person after five years and restore him to his former position in every respect. The period of election was now reduced to one day, and the ballot was discarded for the *viva voce* method. As heretofore noted, the educational fund was secured against future misuse, and slavery was further entrenched. The method of amendment was left without material change.<sup>72</sup> Remembering the length to which the attacks on ancient rights and personal property had been carried in the past, the convention took occasion to declare in the bill of rights "That absolute, arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority."<sup>73</sup>

The convention summed up its work thus, "We have boldly, but we trust not incautiously, removed those barriers which our ancestors deemed necessary to impose on the direct exercise of popular sovereignty, and this we have done without apprehension, as we felt an abiding confidence in the wisdom and moderation with which these great powers would be exercised by the freemen of Kentucky."<sup>74</sup> But the more conservative critic declared, "The fundamental principle of the new constitution is to throw every thing pellmell into the ballot box, even down to the election of militia officers, constables, and jailers."<sup>75</sup>

The new constitution was referred to a popular vote in May, 1850. A surprisingly strong opposition immediately sprang up against its adoption. As this was largely a democratic constitution, the movement for revision having been pushed by the democrats and the convention having been controlled by them, the whig leaders came out boldly in opposition to it. They were actuated in part by partisan reasons, but they were also impelled by a strong belief that it was not for the best interests of the people. Former Chief Justice Robertson attacked it as not carrying out the desires of the people expressed before the convention met. No easier method for amendment had been made, and he was thoroughly convinced the independence and efficiency of the judiciary had been destroyed by making it elective. He charged that the new instrument made the people no longer masters of their own money; and he believed a big mistake had been made by stripping the governor of his power of appointment.<sup>76</sup> Other whigs who used their power and influence against the adoption of the new constitution were Garret Davis, Lieutenant Governor John L. Helm, and Thomas F. Marshall. They attacked the instrument in numerous places, and sought to build up organizations to defeat it in the May election.<sup>77</sup> These leaders drew up a long address to the people condemn-

<sup>72</sup> Shaler, *Kentucky*, 215, 216 falls into this error: "Moreover, the provisions for changing the constitution, before difficult, were now made so complicated that it has been found practically impossible to secure any further changes of that instrument, despite the considerable need that now exists for substantial changes." Change was, indeed, difficult down until 1890 when another constitutional convention was finally called, but the difficulty was not due to a change in the methods of 1799. The wording is virtually identical in the constitutions of 1799 and 1850.

<sup>73</sup> The text of this constitution may be found in Thorpe, *Federal and State Constitutions*, III, 1292-1315. Also see *Kentucky Statesmen*, April 17, 1850; Dembitz, *Kentucky Jurisprudence*, 10; *Annual Report of the American Historical Association*, 1899, I, 139-141; 1910, p. 342.

<sup>74</sup> *New Constitution of the State of Kentucky* (pamphlet), 13.

<sup>75</sup> Article in *Louisville Journal* quoted in *Lexington Observer and Reporter*, Feb. 2, 1850.

<sup>76</sup> Robertson, *Scrap Book*, 339-345.

<sup>77</sup> *Kentucky Statesman*, May 11, et seq., 1850; *Lexington Observer and Reporter*, Jan. 23, 1850.



ing the new constitution and spread this address in 5,000 copies over the state. Eight resolutions were adopted, one of which declared that "the people will be insecure in all their most valued rights against the overbearing power of numbers, with no check but a Judiciary which may be expected to be subservient to that power which it ought to resist."<sup>78</sup> They took on the name of "Friends of Constitutional Liberty" and sought to found branches in all the counties throughout the state. Such societies were set up at Lexington, Frankfort and other places.<sup>79</sup>

But such a fight was diametrically opposed to the spirit of the times and it was destined to fail miserably. In a total vote of 91,955, the new constitution was given a majority of 51,351. Kentucky was democratic in actuality as well as in feeling now, and this constitution had much to do with making the state democratic in politics.

While Kentucky was busy making herself a new constitution, national problems of great concern were being debated before Congress and throughout the country. Of these happenings she was fully aware. The Mexican war had left as a legacy a problem that threatened to plunge the country into a civil war ten years before it actually came. Even before the war was over, the question had been raised as to the status of slavery in the new territory, which the United States had conquered and would secure through the treaty of peace. Scarcely had peace been declared when gold was discovered in California, and a mad rush from every corner of the globe set in which in a year dumped there a population so numerous as to set up a state government and demand admission into the union as a free state. This was bitterly opposed by the South. Soon the atmosphere of Washington was surcharged with acrimonious debate on the California problem, the abolition of the slave trade in the District of Columbia, fugitive slave laws and other heated questions, rending the few shreds of friendship still remaining between the two sections. Bitter charges of discrimination were hurled at the North, and threats of disunion became frequent.

Although considering herself part and parcel of the South, Kentucky had ingrained into her very being feelings for the union too strong to be lightly broken. Many times heretofore had she expressed that love, and again now under the leadership of Gov. John J. Crittenden did she reaffirm it. Crittenden said in 1848:

"We can have no better security for our rights than that Union and the kindred feelings that unite us with all the members of the Confederacy. If these sentiments ever cease to prevail, I trust that Kentucky will be the last spot, from which they will be banished. Errors and abuses may occasionally arise in the administration of the general government,—so they may in the administration of all governments—and we must rely upon public opinion, the basis of all republican government, for their correction. The dissolution of the Union can never be regarded—ought never to be regarded—as a *remedy*, but as the *consummation* of the greatest evil that can befall us.

"Kentucky devoted to the Union, will look to it with filial confidence, and, to the utmost of her might, will maintain and defend it. We let no mediations or calculations on any sectional or other confederacy beguile us to the point of weakening our attachment to the Union. Our relations and our attachments are with and to *all the States*; and we are unwilling to impair them by any entangling engagements with a *part*."<sup>80</sup>

Talk of secession in the south became more persistent, as Congress debated but found no remedies. A wide-spread feeling was growing up

<sup>78</sup> *Lexington Observer and Reporter*, Feb. 20, 27, 1850.

<sup>79</sup> Robertson, *Scrap Book*, 338; *Lexington Observer and Reporter*, Feb. 20, 1850.

<sup>80</sup> Coleman, *Life of John J. Crittenden*, I, 333. Message to the Legislature, December 30, 1848.

that the Union was in danger of dissolution. But Kentucky refused to be carried away in the current of complaint and discontent. Again Governor Crittenden expressed his state's strong unionism. Kentucky had grown strong and great in the Union, she was only a part of the immense Mississippi River Valley, an economic unit that must not be severed. Disunion would be ruinous. "A moment's reflection," he declared, "will show the ruinous consequences of disunion to the commerce of Kentucky and the other Western States. The most obvious considerations of interest combine, therefore, with all that are nobler and more generous, to make the Union not only an object of attachment, but of necessity to us. Kentucky is not insensible to the causes which have produced so much sensibility and irritation with her brethren of the Southern States, nor is she without her sympathies with them. But she does not permit herself to harbor one thought against the Union. She deprecates disunion as the greatest calamity; she can see NO REMEDY in it,—none, certainly, for any grievance as yet complained of or to be apprehended. Kentucky will stand by and abide by the Union to the last, and she will hope that the same kind Providence that enabled our fathers to make it, will enable us to preserve it." <sup>81</sup>

Crittenden was not speaking his sentiment alone; the great body of Kentuckians felt the same way. The editor of the *Lexington Observer and Reporter* said of this unionism: "The views of the Governor upon this subject are so just in themselves, so expressive of the feelings and sentiments of every patriotic heart, and withal so beautifully and eloquently expressed, that they cannot fail to find a response in the breast of every Kentuckian. Gov. Crittenden is right; there is no mistaking the position of Kentucky in reference to this deeply interesting and momentous question, and we trust the Legislature will without delay respond to the patriotic sentiments of the Message." <sup>82</sup> The same pervading love for the Union was carved into the Washington monument, then in the process of being erected, when Kentucky in 1850 presented a block of her native marble bearing this inscription, "Under the auspices of Heaven and the precepts of Washington, Kentucky will be the last to give up the Union." <sup>83</sup> When the nine Southern States, goaded on by Northern aggression, met in the Nashville Convention in 1850, Kentucky was not to be found among the states represented. A resolution to send representatives was laid on the table in the Senate by a proportional majority of three to one. Kentucky would not countenance disunion by even considering its possibility. <sup>84</sup>

But in the meantime, before the Nashville Convention had met, determined effort was being made to bring about a settlement of the disturbing questions. Clay, who had been virtually forced into the Senate again against his will, was hard at work curbing the forces, North and South, working for disunion. He offered a compromise consisting of eight articles, and dealing with the questions under discussion, which were long debated, but which finally went through Congress in one form or another—and all taken together came to be known as the "Compromise of 1850," the last triumph of the "Great Pacificator." Clay and his state, and the country as a whole, felt that if the compromise should fail, only disunion and war remained. Webster reached the crowning glory of his life in his celebrated Seventh of March speech—the only speech in American history known by the date of its delivery. Clay declared, "If my own State \* \* \* should raise the standard of disunion \* \* \*

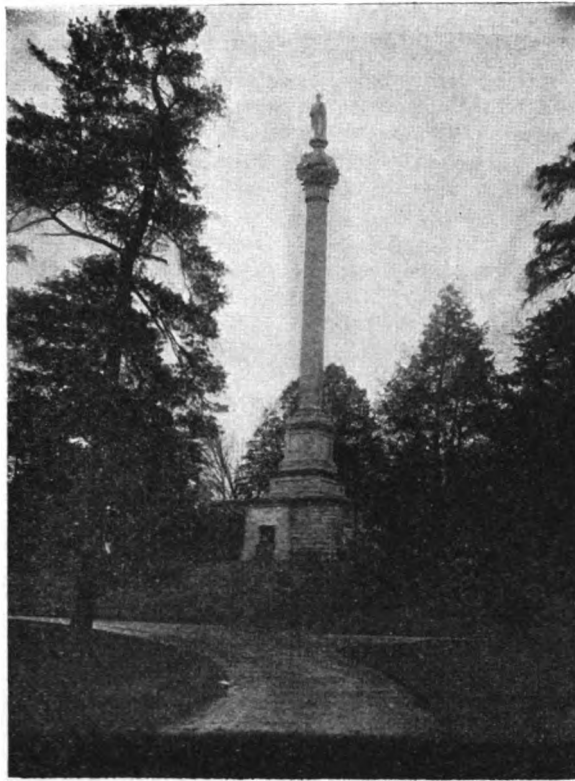
<sup>81</sup> *Ibid.*, 351. Message to Legislature, December 31, 1849.

<sup>82</sup> Jan. 2, 1850.

<sup>83</sup> *Acts of Kentucky*, 1849, p. 716. Dated January 24, 1850.

<sup>84</sup> There were certain unofficial meetings in the state that sent delegates, but Kentucky was not considered as represented. McMaster, *History of the People of the United States*, VIII, 17.

I would go against her; I would go against Kentucky \* \* \* much as I love her." The Compromise succeeded, and Clay went back to Kentucky to receive the acclaim of democrats and whigs alike. In accepting an invitation to attend a barbecue to him and the other Kentucky congressmen, he said, "During the arduous struggle in Congress, it was a source of great satisfaction and encouragement to me to learn from Kentucky that my fellow citizens in this State, without distinction of party, were almost unanimous in favor of those measures, so long discussed, which were designed to reconcile Sectional differences, and preserve the Union free from all danger. \* \* \* My Democratic fellow Citizens have met and welcomed me with a cordiality and warmth not surpassed



HENRY CLAY MONUMENT IN CEMETERY AT LEXINGTON

by the whigs, and both parties have united in gratifying demonstrations of their attachment and confidence."<sup>85</sup>

Clay's first impression of the reception of the compromise in Kentucky was correct. Both parties considered the perplexing questions of the day settled and the Union saved. The whigs were naturally in favor of the settlement both from principle and from the fact that their great leader had brought it about. The democrats, though perforce of a more sceptical attitude than the whigs, were not far behind in their protestations of loyalty to the Union and the compromise. Governor Powell, a democrat, said, "The dark and lowering clouds that recently threatened the existence of the union of the states of this glorious confederacy are

<sup>85</sup> Clay's address, October 10, 1850 in *J. O. Harrison MSS. Collection*, owned by Mr. Harrison Simrall of Lexington.

happily passing away. Kentucky is the firm and devoted friend of the union; and is for maintaining inviolate and carrying out, in strictness and in truth, in letter and in spirit, the compromise measures passed by the last Congress of the United States." <sup>86</sup> The democrats in their state convention in January, 1851, declared, "That Kentucky, until her equality, her rights, and her honor are so outraged that she cannot preserve them by remaining within the Union, will stand by it as it is, and by the President in executing any law passed in accordance with the constitution of the United States." <sup>87</sup>

Although the "Great Commoner" was now old and feeble; he determined to return to Washington to resume his duties in the Senate. But his strength was gone, and in December, 1851, he resigned his seat to take effect in September, 1852. But before that date arrived, he died in the service of his country, as he had really wished. His body was brought back to Lexington through an almost continuous throng of mourning Americans, and buried in the Lexington Cemetery, where 30,000 people participated in the impressive ceremonies. Five years later the corner stone of the monument that now marks his tomb, was laid in the presence of 40,000 people from many parts of the country—he was not a Kentuckian, he was an American.

<sup>86</sup> Message to the Legislature, November 4, 1851 in *Kentucky Yeoman*, Nov. 7, 1851.

<sup>87</sup> *Ibid*, Jan. 16, 1851.

## CHAPTER LX

### BREAKING THE BONDS OF THE UNION

The Compromise of 1850 and the adoption of the new constitution in the same year had important results in the political affairs of the state. Both of them immediately after their accomplishment appeared as strong recommendations for the respective parties that claimed credit for them. The first gauge of their effect was the campaign and election of 1851. The democrats nominated Lazarus W. Powell for governor; the whigs chose Archibald Dixon. The campaign immediately developed much interest and hot discussion. For the first time, the voters were now called upon to elect a number of officers, staggering in comparison to the few they had been allowed to vote for heretofore. All the judges and a host of minor officers such as county attorneys, clerks, sheriffs, coroners, and jailers were elected in May, with the result that a surprisingly small amount of party rivalry entered into the election. In these local campaigns, personal knowledge of the candidate played a bigger part than party designations.<sup>1</sup> But all of the old time party vigor appeared as the gubernatorial election drew near. The democrats assumed the offensive with such force that it marked the beginning of the end of the whig party.

The new constitution, which was unquestionably pleasing to the great majority of the people, was held up as the work of the democrats. It ushered in a new era of real democracy, which the people were reminded time and again was made possible by the democrats. The democrats in their convention in Frankfort in January (1851) declared "That the call of the Convention was brought about and the New Constitution adopted" to secure the people against the old whig abuses and extravagances, and "that they are chiefly indebted to the democratic party for the agitation and final consummation of the reforms secured by it \* \* \*"<sup>2</sup> Referring to the abuses it was charged that "Our state was filled with life-officers irresponsible to the people, and virtually irresponsible to any tribunal, lording it over the interests of Kentucky. We could even see offices bought and sold in every county, and little pampered cliques about court-houses doing up politics for our people."<sup>3</sup> The democrats held that the new constitution worked not only to the benefit of the people, but in many of its reforms directly to their own party interests. They expected to gain much from the change of the period of voting three days long to a one day vote. The whigs were unquestionably the party of greater wealth and influence, and they had used these assets under the old system in sending lagging voters to the polls during the second and third days, if they were necessary to winning the election. The democrats, with lesser means were unable to take full advantage of this opportunity. But conditions were now different; all must cast their votes within the limits of one day.<sup>4</sup>

The whigs were thrown into consternation by the logic of the cir-

<sup>1</sup> *Kentucky Yeoman*, May 16, 1851. Also see *Ibid.*, *passim*.

<sup>2</sup> *Kentucky Yeoman*, Jan. 16, 1851.

<sup>3</sup> *Ibid.*

<sup>4</sup> See *Ibid.*, August, *passim*, 1851.

cumstances. It was too true, and not to be denied successfully, that the whig leadership had vigorously opposed the movement for a constitution, both before the convention had been called and even after the instrument had been formulated and submitted to the people for ratification. Whig leaders now set about winning back many of the rank and file of their party who had been carried away by the enthusiasm for the constitution, by trying to show how the whigs had aided in securing many reforms in the convention while the constitution was being made.<sup>5</sup> Their major strategy was, however, to say as little as possible about the new constitution, and to carry the discussion into the preservation of the Union, in which they hoped to use the compromise with great effect. They posed as the sole friends of the Union and responsible wholly for the compromise, which had so successfully quieted the nation. In certain places they referred to themselves as the "Union Party." The democrats were declared to be enemies of the Union, and dangerous to its preservation.<sup>6</sup> The democrats had ready answers to these charges. They honored Clay, the great whig, for his work in securing the compromise; but they called attention with telling effect to the vote in Congress by which that legislation had been passed. Every Kentucky democrat stood for this legislation, and many more Northern democrats voted for it than Northern whigs. Apart from Clay's leadership, they declared it was largely a democratic accomplishment. The position of the whigs was less sound on the question of slavery than that of the democrats, and the candidacy of Cassius M. Clay on the emancipation ticket gave them some concern.

The election, which took place on August 6th, resulted in a democratic victory for the governorship, but went little beyond. Powell was given a majority of 850 votes over Dixon, and, thus, became the first democratic governor since the days of John Breathitt, a time when parties bore the names of Jackson and Clay more often than democratic and whig.<sup>7</sup> The democrats had undoubtedly rode into power on their reputation for constitutional reform. Signs of decay in the whig vitality and solidarity, especially nationally, was also beginning to appear; and this played a minor part in the whig defeat in Kentucky. Clay had declared in 1848 that he feared "the Whig party is dissolved." "I am compelled most painfully," he said, "to believe that the Whig party has been overthrown by a mere personal party, just as much having that character as the Jackson party possessed it twenty years ago."<sup>8</sup> Clay was soon to pass beyond and leave the whigs of Kentucky shorn of a mighty power and influence. Perhaps, the most significant feature of the democratic victory of 1851 was the rise of a new star in the Kentucky firmament. This was John C. Breckinridge, destined by his genius and magnetic personality to win an affectionate following hardly surpassed by Clay's. With a record of service in the Mexican war, he first entered Kentucky politics in 1849, when he represented Fayette County in the Legislature. His rise was now rapid. In this election of 1851, he was returned from the famous rock-ribbed Ashland district, whig to the core and long represented by Henry Clay, by an extraordinary victory over Gen. Leslie Combs. He cut down a whig majority of over 1500 to defeat and piled up a democratic majority of 500. Such was his real political introduction to Kentuckians.<sup>9</sup>

These were unmistakable signs that the days of whig supremacy in Kentucky were numbered. But its going was not yet at hand; the whigs were still the majority party fundamentally. They had elected a major-

<sup>5</sup> *Kentucky Yeoman*, March 28, 1851.

<sup>6</sup> See *Ibid.*, Feb.-Aug., 1851.

<sup>7</sup> The exact vote was: Powell, 54,613; Dixon, 53,763; Cassius M. Clay, 3,621. *Kentucky Yeoman*, Sept. 5, 1851; Collins, *History of Kentucky*, I, 62.

<sup>8</sup> Colton, *Private Correspondence of Henry Clay*, 567.

<sup>9</sup> *Kentucky Yeoman*, Aug. 8, 1851; Collins, *History of Kentucky*, II, 203.

ity in both houses of the Legislature in 1851, and in December of the same year they elected Archibald Dixon to the United States Senate, to fill the seat vacated by Clay, over the democratic candidate, James Guthrie, by a vote of 71 to 58. In the presidential election, the next year, Kentucky gave her electoral vote to Scott, the whig candidate, a few more than 3,000 popular majority over Pierce, the democratic nominee. The main point of interest in the campaign was the compromise of 1850. Scott was pledged to support it, although many of his followers in the North would have been glad to see it overthrown, while Pierce and the democrats were even more heartily in accord with the settlement. As Kentuckians had to make no choice between principles, the inertia of whiggery carried the state for Scott.

The decay of the whig party was evident in the state, long before the blow was given to it which destroyed it nationally. The Congressional election in 1853 showed the parties equal in the representatives they elected, each sending to Washington five. But the main significance was not in this apparent equality of the two parties, but rather in the fact that John C. Breckinridge had again carried the greatest strong-hold of whiggery, the Ashland district; and he had done it against the strongest candidate the whigs could produce, ex-Governor Letcher. Breckinridge assumed a strong Southern attitude on the question of slavery, and accused Letcher of having abolition leanings. He forced the issue and won by an enlarged majority. According to the *Kentucky Yeoman*, "The election of Major Breckinridge, demonstrates the fact for which we have long contended, that the great heart of Kentucky is democratic—is sound to the core, and if we had lost *all* of our other candidates for Congress in the State, we could have yet felt sure of great cause of rejoicing, and it would have been acknowledged on all sides as the triumph of Democracy in Kentucky."<sup>10</sup> Apart from Fayette County, now redeemed to democracy, Franklin County was considered the strongest whig region in the state. But the democrats were planning its conquest. "A complete triumph must and will be theirs—," it was declared, "the times have altered—whiggery is on the wane—a few years ago one could scarce find, except on election days, a corporal's guard of democrats, but now they need not be hunted for, they are met on every turn—on every hill—in every hollow, by-path and high road of the country, with confident brows and glowing hearts ever ready to do service in the good cause  
\* \* \*"<sup>11</sup>

The final downfall of the whigs in state and nation was brought about by the so-called Kansas-Nebraska Bill, introduced in the United States Senate by Senator Dodge of Iowa in December, 1853. Taking advantage of certain apparent inconsistencies in the Compromise of 1850, Stephen A. Douglas championed this bill to organize the territories of Kansas and Nebraska. The bill as reported out from Douglas' committee provided for the rights of the territories to determine whether or not they would have slavery—the famous "Popular Sovereignty," or "Squatter Sovereignty," as it was contemptuously called. But if the Missouri Compromise still held, it would be impossible for slave-owners to migrate to these territories with their slaves, and so at the instigation and insistence of Archibald Dixon, the new Kentucky senator, the Missouri Compromise was specifically repealed in a separate clause of the bill. With consummate leadership Douglas, the "Little Giant," forced the bill through the Senate and materially aided it in its journey through the House and saw it become a law with the President's signature on May 30, 1854. Thus was the work of the Compromise of 1850 forever undone; the country was thrown into extreme excitement and turmoil, and

<sup>10</sup> Aug. 12, 1853.

<sup>11</sup> *Kentucky Yeoman*, Aug. 12, 1853.

the whig party was doomed. This party had now outlived its usefulness. Its national organization went to pieces in the face of the onset of abolitionist and free-soiler. A party with a single object of combating the diabolical spread of slavery made possible by the Kansas-Nebraska Act was demanded. This the whig party could not be. Southern whigs thought very differently on the question of slavery from Northern whigs, and so party chaos reigned for a time, until the elements could be grouped into a new party. Many of the erstwhile whigs, having no other place to go, joined a secret organization, much like the Native Americans and popularly known as the Know Nothing Party, since its members, when questioned about the party would say: "I don't know." This party had a spectacular growth, largely because it offered a refuge for people who were tired of sectional hatred and wanted to think more of their united country; it included those who hated slavery with all their souls; and it included many who defended slavery—all were bound together temporarily by hatred of foreigners and opposition to the Catholics. The political elements in chaos finally settled themselves in the South in the democratic party; in the North in the republican party, founded in 1854; and in the border states in a rather indeterminate way by some joining the democrats, an almost infinitesimally small number going with the republican party, and others laboring on under various appellations until they settled into the constitutional union party, which arose to play its part in the Presidential election of 1860.

With the whig party gone nationally, the Kentucky whigs were greatly perturbed. Just where did they stand and whither should they go? Tom Corwin, a native-born Kentuckian, but now of Ohio, wrote Crittenden on May 10, 1854: "I know nothing about politics as they now exist. I do not even understand the present position of those with whom I had for twenty years been intimately associated in public life. Do you? Do you really know your own *status* in regard to some *dogmas* recently put forward as tests of political orthodoxy?"<sup>12</sup> The *Kentucky Yeoman* on June 2, 1854, sized up the situation thus: "The *pronunciamento* has gone forth—the Whig party is extinct—its materials in the North are to be made the nucleus of a great overshadowing abolition party, while the conservative whigs of the South may go over to the new democratic party, to the administration, or to the devil, as soon as they like." In Kentucky, as in other parts of the nation, the great majority of the whigs, with no national party machinery left and with a strong aversion to joining the democrats, grasped the idea of the Know Nothing Party and swarmed into it. It gave them the joys of a fool's paradise for a time, where they could forget the gaping sectional wounds and contemplate things with which they were only remotely connected and which constituted not the slightest problems for them. They ignored slavery and the menacing questions it produced, to run into heated discussions on the dangers of foreigners and Catholics. The former few Kentuckians had ever seen; the latter were among the best and most substantial citizens of the state. Mutterings of Know Nothing activities first arose in the summer of 1854, and in August it was rumored that an organization was about to be set up in Frankfort.<sup>13</sup> In the election of local officers this year, the tendency was general to ignore for the most part party lines and designations. Men were voted for on their merits.<sup>14</sup> But in Louisville and a few other cities the Know Nothing organization came out and succeeded in carrying its candidates into office.<sup>15</sup>

<sup>12</sup> Coleman, *Life of Crittenden*, II, 104.

<sup>13</sup> *Kentucky Yeoman*, Aug. 4, 1854.

<sup>14</sup> See *Kentucky Yeoman*, Aug. 11, 1854.

<sup>15</sup> Collins, *History of Kentucky*, I, 72.



Preparations were early made by the Know Nothings, or, as they were often called, Americans, to perfect their organization for the gubernatorial election of 1855. A Know Nothing convention was reported to be in session in Louisville in early November of 1854, and in certain city elections at different times Know Nothing candidates succeeded in being elected to office. On February 22, 1855, the Know Nothing Party held a convention in Louisville, where candidates were nominated for the various state offices. William V. Loving was named for governor, but he later resigned on account of ill health, and a new convention in June nominated Charles S. Morehead. It was now general knowledge that the Know Nothings, or Americans, were strongly organized and that they were in fact the whig party disguised. The democrats attacked this sudden and secret transformation with great vigor, using the many lines of ridicule and sarcasm that could so easily be employed. The *Kentucky Gazette* said: "Feeling that their old principles are growing more and more unpopular with the masses of the people, they have cut loose from all independence in the declaration of principles, and have given their political consciences into the keeping and tender mercies of outside tricksters and political magicians." Another observer recorded the death of the whig party and its causes thus: "Abolitionism and Know-Nothingism have taken it to their foul embrace and hugged it unto death. With their hideous kisses they have stifled its breath until it is as dead as death itself, and can never be resuscitated."<sup>16</sup>

The democrats nominated Beverly L. Clarke for governor, and started a campaign of ridicule against the exotic and colorless principles of their opponents. The state convention praised the Kansas-Nebraska Act and reaffirmed its faith in the principles of the national democracy. Various county meetings, held prior to this convention to nominate delegates and strengthen the party organization, took occasion to launch forceful attacks against the dangerous secret plottings of the Know Nothings. The Franklin County meeting declared "That we are opposed to all political parties, factions or associations whose principles, purposes, means and ends are *secret*, and that, in our opinion, pure principles, honest purposes and patriotic ends in a land of freedom need no veil, no secret meeting—no conspiratorial obligations to ensure their triumph."<sup>17</sup> The democrats posed as the greatest force in the commonwealth for the Union, and called upon the old whigs to embrace the chance of aiding the Union by identifying themselves with the democratic party. They argued that the principles of the Know Nothing Party were foreign to the questions at issue before the nation, and that it was a senseless attempt to solve a menacing situation by wholly ignoring it. They reminded them of the fearless Clay, who had been an ornament not only to the old whig party but to the state and nation as well. Could they remember the great Clay and continue in the Know Nothing Party? The leadership of this new movement was declared to be without fixed principles or convictions: "Many of them have belonged to all the political parties ever known in Kentucky."<sup>18</sup> It was also charged that every abolitionist in the state was aligned with the Know Nothings and were having a vast amount of influence in its councils. Could whigs of principle and real convictions support such an organization?<sup>19</sup> The *Kentucky Yeoman* said: "Modern issues, which for the past quarter of a century have divided the democratic and whig parties, have been abandoned, and novel and absurd questions

<sup>16</sup> *Kentucky Yeoman*, Jan. 12, 1855.

<sup>17</sup> *Kentucky Yeoman*, Feb. 23, 1855.

<sup>18</sup> *Kentucky Yeoman*, Aug. 2, 1855.

<sup>19</sup> See *Ibid.*, July 13 et seq., 1855.

have been raised, argued and magnified by a new party composed of old partisans." <sup>20</sup>

The democrats worked hard to capture the bulk of the old whig party, but their efforts were without avail. Robert J. Breckinridge for the emancipationists and the old whig leaders for their old following welded the Know Nothing organization into a strong machine.<sup>21</sup> Another element that worked against the democrats was the temperance movement, which had now in the general political chaos taken on political aspects. Heretofore this movement had been confined largely to the churches, and its main activities had been to secure the passage of laws curbing the manufacture and sale of spirituous liquors.<sup>22</sup> But now, under the many-sided reformer, Robert J. Breckinridge, the movement was being elevated into a political party.<sup>23</sup> It became a rival of the secret Know Nothing Party, with its formalities and ritual, with its "Grand Scribes" and "Grand Patriarchs."<sup>24</sup> In October, 1854, a general campaign was being conducted for the purpose of definitely organizing the "Sons of Temperance" into a party. A convention was recommended, to be held in Louisville on December 13, 1854, to nominate a candidate for governor. The convention was held according to the schedule, and George W. Williams was nominated for governor. There was, however, much difference of opinion on the advisability of this move. George Robertson counselled against a separate candidate; he would have the temperance party support the Know Nothing.<sup>25</sup> As the campaign progressed, the temperance party gradually became identified with the Know Nothings.<sup>26</sup> In the election the democrats lost to Morehead by a vote of 69,816 to 65,413.<sup>27</sup>

The result of this election showed that a majority of Kentuckians were so conservative in their Union sentiment that they were willing to ignore the sectional issues and, by refusing to discuss or consider them, thereby solve them. The democrats, while strongly interested in the preservation of Southern rights and vigorously opposed to interference with slavery, were, nevertheless, loud in their protestations of loyalty to the Union. This attitude of both parties was well in keeping with the attitude the state took when war came. As the Presidential election of 1856 approached another opportunity was given to the political elements to arrange themselves. The democrats met in Cincinnati and nominated James Buchanan for President; the rising young republican party named John C. Fremont, while the Know Nothings, or Americans, and the rump of the old whig organization chose Millard Fillmore. Many Kentuckians found themselves unable at first to decide which party they would support. The republicans would certainly receive the support of none except the out-and-out abolitionists, for that party had already announced itself as inexorably opposed to the extension of slavery by one square inch. The American party was still seeking to avoid the issues of the day by directing its attention to the foreign peril and the Catholics. Its nearest approach to the slavery question was to declare its approval of the Compromise of 1850. The democrats continued their strong advocacy of the rights of the South to take their slaves into the national domain wherever they chose.

<sup>20</sup> Aug. 2, 1855.

<sup>21</sup> *Breckinridge MSS.* (1855). Throughout the first half of 1855, Breckinridge was in constant demand as a speaker for the Know Nothings. He was sought now more for his bitter attacks against the Catholics than for his anti-slavery tenets.

<sup>22</sup> See *Kentucky Gazette*, March 12, 1840.

<sup>23</sup> *Breckinridge MSS.* (1852, 1853). Numerous letters calling upon him for addresses on temperance may be found here.

<sup>24</sup> *Ibid.*, (1854). Much on this party may be found here.

<sup>25</sup> *Kentucky Yeoman*, Dec. 22, 1854.

<sup>26</sup> *Ibid.*, May 25, et seq., 1855.

<sup>27</sup> *Ibid.*, Sept. 7, 1855; Collins, *History of Kentucky*, I, 75.

The campaign within the state was almost wholly between the democrats and the Americans. The republicans built up an organization of little vitality, and held a convention in Madison County, near the mountains, to nominate certain state officers to be elected this year.<sup>28</sup> The Americans, although they had elected their candidate for governor in 1855, were held together by no real principles, and they were in great danger of falling apart now. The fanaticism that had broken loose in Louisville in the August election of 1855 and had caused the death of twenty-two people, most of whom were foreigners, and the destruction of much property had injured the Know Nothing Party among the better element of people.<sup>29</sup> The temperance party, which was in reality an adjunct of the Know Nothing Party, was falling to pieces as a political organization.<sup>30</sup> Nevertheless, the Americans entered the campaign with considerable energy and spirit. They issued in March a circular letter announcing their colorless program and calling upon the people to support Fillmore and Andrew Jackson Donaldson, the Vice Presidential nominee. They said in part: "The American banner, inscribed with these names and with the Constitution and the Union forever, is unfurled to the breeze. Gather around it and bear it in triumph to the Capitol of the Union. Arouse once more that fervent zeal and patriotic spirit that animated you on the 6th of August last, when you won the most brilliant victory of the year."<sup>31</sup> Kentucky fired the first gun in this great war, and America will listen for the thunder of her artillery in November next. Advance high our glorious banner, and let the watchwords be Fillmore and Donaldson—the Constitution—the Union forever. Put on the whole armor of American principles. You are to wrestle and war against foreign principalities and powers; against the rulers of the darkness of this world; against political and spiritual wiles and wickedness in high places, all combined to destroy your religion and break up the republican government bought with the blood of your ancestors, and make you and your posterity the slaves and serfs of the Roman Hierarchy."<sup>32</sup>

Many old whigs deserted the American organization, feeling that Fillmore could not be elected, and joined the democrats. The cry had been rather general for Buchanan in the early part of the campaign, but near the day of election the old whig leaders were able to stem the tide considerably, so much so that ex-Governor Letcher wrote Crittenden in July that "The Old Line Whigs in this State with a few exceptions will go for Fillmore."<sup>33</sup> The democrats and the republicans represented the real parties of action and with a definite program and purpose. Between the two, the vast majority of Kentuckians stood for the former. There was a fear that Fremont might win, and this caused many old whigs, by voting the democratic ticket, to assure themselves that Kentucky's vote should not be thrown away on Fillmore, whom most knew could not be elected. But the hatred of a radical course or the forcing of an issue that might not exist if less talking were done was a strong element in the Kentucky character and caused many to agree with W. H. Wadsworth, of Maysville, that "Kentucky can never rejoice that the day of compromise is past. To do so would be false

<sup>28</sup> J. R. Robertson, "Sectionalism in Kentucky from 1855 to 1865" in *Mississippi Valley Historical Review*, 1917-1918, Vol. 4, pp. 48-63.

<sup>29</sup> *Kentucky Yeoman*, Aug. 10, 1855; Collins, *History of Kentucky*, I, 75.

<sup>30</sup> Immediately after the election of 1855, the Temperance Party had made preparations to set up a newspaper at Frankfort called the *Temperance Advocate* to succeed the *Kentucky New Era*. See *Breckinridge MSS.* (1855).

<sup>31</sup> The election of Morehead, governor.

<sup>32</sup> One of these circular letters may be found in *Crittenden MSS.*, Vol. 18, No. 3706.

<sup>33</sup> *Crittenden MSS.*, Vol. 18, No. 3760. Dated July 1.

to her history, her position & her dearest interest."<sup>34</sup> The democrats professed their strong love for the Union, but they would have a union under the constitution and not through "higher laws." John C. Breckinridge, who was the democratic nominee for Vice President, was an important element of strength for the Kentucky democracy. The election resulted in a victory for the democrats in both state and nation. Buchanan carried Kentucky by a majority of 6,118 over Fillmore. Fremont received 134 votes.<sup>35</sup> This was the first time Kentucky had voted for a democrat since the year 1828, when she cast her vote for Jackson.

This marked the definite decline of the whigs, Know Nothings, or Americans, as the opponents of the democrats were variously called. From now on Kentucky was a democratic state, with varying degrees of insistence on the principles of the national democracy. The Americans continued to urge their principles of Americanism and avoided as far as possible sectional issues. The party leaders declared in an address to the people that they would have won in the Presidential election had not the question of slavery been elevated into the chief issue and true American principles submerged. They believed there would be no question of slavery if the country would do like the Americans, refuse to discuss it. They were "determined that the political battles hereafter shall be fought upon the true American ground, that no sectional issues shall be allowed to divide and distract their strength. \* \* \*"<sup>36</sup> They still would point the people to the perils of the Roman Catholics, rather than talk on sectional issues. But if their views must be pressed on the distracting question of slavery in the territories, some at least would have no interference with it, except when the people "come to the adoption of a state constitution."<sup>37</sup> In the campaign for state officers and congressmen in 1857, the American party held to their announced policy that "under every political complication, the pure question of *Americanism* shall take precedence of all others."<sup>38</sup> In this election the defeat of the American candidates was decisive, showing a rapid decline of the American party since the election of the preceding year. James H. Garrard was elected state treasurer by a majority of more than 12,000 over Thomas L. Jones, the American. Eight democrats and two Americans were sent to Congress, while to the State Legislature 61 democrats and 39 Americans were sent as representatives and 13 democrats and 7 Americans as senators.<sup>39</sup> This gave the democrats a majority in the Legislature, which enabled them the next year to elect Lazarus W. Powell to the United States Senate.<sup>40</sup> The year following this John C. Breckinridge, the Vice President of the United States, was elected to the United States Senate to begin his term March 4, 1861. Thus by 1858 the democrats had captured all of the representatives in Congress except two, held both of the senatorships, and controlled the state government, with the exception of the governorship.

Each succeeding election saw the democrats maintaining their hold on the state. In the election of a clerk for the Court of Appeals in August of 1858, the Americans made a strong fight. But they still side-stepped the questions of the hour. They hoped to capture the state with high-sounding platitudes. The Union should be preserved, the

<sup>34</sup> *Ibid.*, Vol. 19, No. 3801. Letter to Crittenden, September 5, 1856.

<sup>35</sup> Collins, *History of Kentucky*, I, 77.

<sup>36</sup> *Lexington Observer and Reporter*, Jan. 28, 1857.

<sup>37</sup> *Ibid.*, April 8, 1857. Robert J. Breckinridge was still the inspiration of those who would attack the Catholics. He was appealed to for points to use in the campaign. For example see the letter from F. G. Strahan to Breckinridge, March 24, 1857, in *Breckinridge MSS.* (1857).

<sup>38</sup> *Lexington Observer and Reporter*, April 8, 1857.

<sup>39</sup> Collins, *History of Kentucky*, I, 78.

<sup>40</sup> *Ibid.*, 79.

rights of the states should be respected, the union of the church and state must be prevented at all hazards, "American interests must be maintained," "American nationality must be cherished," sectional agitation must stop, immigration must be restricted, the Supreme Court must be the final arbiter of the constitution, and the democrats were bad and could not be trusted—these were the political tenets and program of the Americans.<sup>41</sup> They declared their party was the only friend of the Union; the other two parties were running directly into disunion. "The Black Republicans of the extreme North and the Locofoco of the extreme South are equally blasphemous in their attacks upon the sanctity of the Union and equally ardent in their efforts to break it up and dissever it forever."<sup>42</sup> More patriots and fewer politicians were demanded. The Americans were held up as the only party that could express the genius of the state. "Kentucky was never intended for a Democratic State. She has too much conservatism and patriotism to remain permanently under the dominion of such a party. The leading commercial, financial, agricultural and professional men for the most part are Americans." In answer to the charges of the democrats that they were the only true friends of slavery, the Americans said: "It may safely be asserted that three-fourths of the slaves in Kentucky are owned by Americans. \* \* \*"<sup>43</sup> In the election, which came on August 2, the democrats won by a majority of over 13,000 votes.<sup>44</sup>

It was true but painful to the Americans that the state was now democratic normally by a safe majority. The Americans, having no substantial principles, were fast losing their group feeling. The designation American party soon disappeared, and they could find no better name than "The Opposition," by which they were commonly known. Letcher declared that something must be done "to infuse new life and courage and confidence in our party or we are *lost*."<sup>45</sup> The settlement of Kansas, the veritable civil war that was devastating the region, and the efforts of the two factions for statehood were subjects that were being discussed with great heat throughout the country. Crittenden favored the admission of Kansas as a free state, since no one could conceive of slavery ever thriving there and since it was the apparent will of the majority that it be a free state. Kentuckians were much interested in the question and, according to one, most Kentuckians agreed with Crittenden. He declared: "I am satisfied that the mass of the democratic party in Kentucky concur with you; but most of them will sustain their President. \* \* \* Most of them think with you, but a large majority will go with their chief."<sup>46</sup> Crittenden was now enjoying much of the popularity that Clay had one time held. On his return to Kentucky in June, 1858, from the Senate, he was received in a number of towns with rousing receptions and booming canon.<sup>47</sup> But this popularity of one identified with the "Opposition" did not prevent the democrats from securing the state government completely in the gubernatorial election in August, 1859. Beriah Magoffin, the democratic nominee, was elected over Joshua F. Bell, of the "Opposition," by a majority of

<sup>41</sup> *Lexington Observer and Reporter*, Jan. 30, 1858.

<sup>42</sup> *Ibid.*, May 1, 1858.

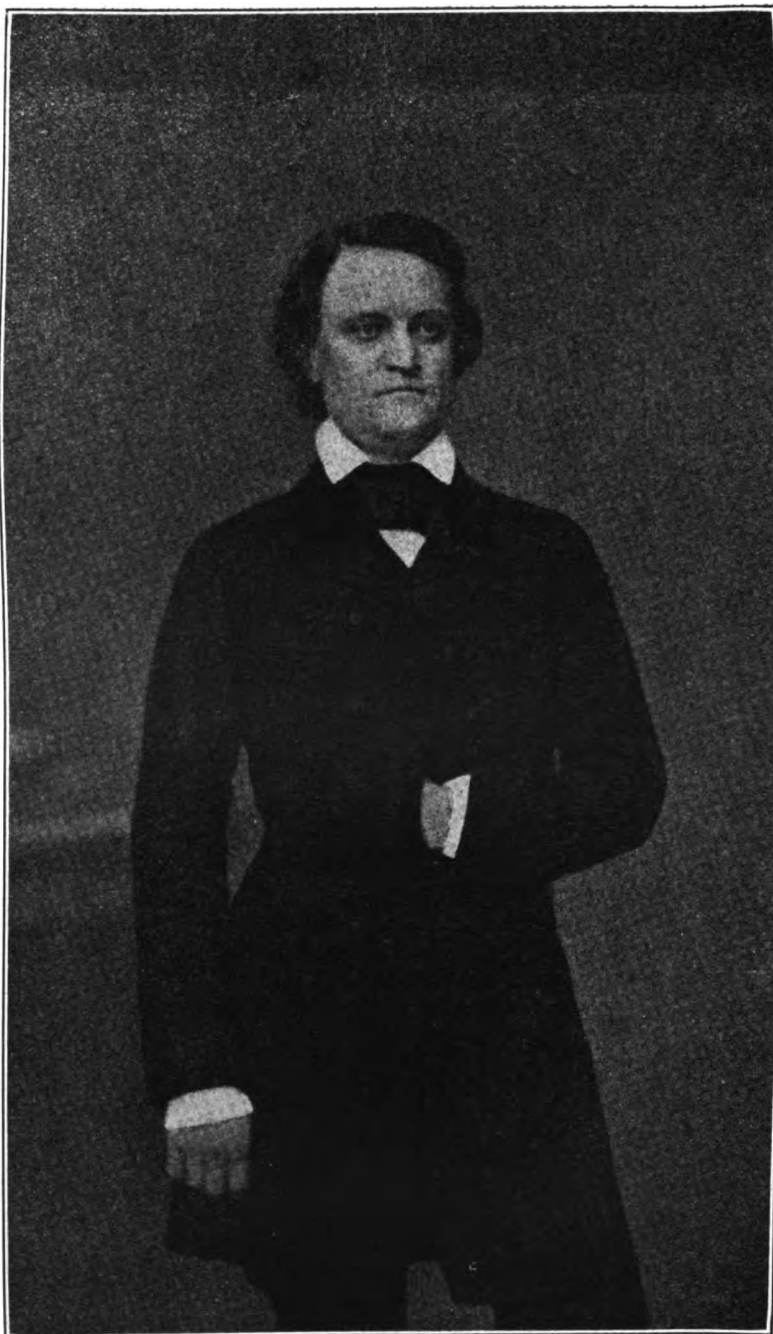
<sup>43</sup> *Lexington Observer and Reporter*, June 9, 1858.

<sup>44</sup> R. R. Revill, Democrat, received 68,540 and G. R. McKee, 68,540. Collins, *History of Kentucky*, I, 80. The Americans were strongest in those regions where the Whigs had predominated. This election shows it clearly. See *Lexington Observer and Reporter*, Aug. 4, 1858.

<sup>45</sup> *Crittenden MSS.*, Vol. 21, Nos. 4345, 4346. R. P. Letcher to Crittenden, January 26, 1859.

<sup>46</sup> *Crittenden MSS.*, Vol. 20, Nos. 4164-4166. L. Robertson to Crittenden, April 26, 1858. See also Coleman, *Life of John J. Crittenden*, II, 146, 147.

<sup>47</sup> See *Lexington Observer and Reporter*, June, *passim*, 1858.



JOHN CABELL BRECKINRIDGE

8,904 votes. The democrats lost strength in the congressional delegation, succeeding in electing only five of the ten.<sup>48</sup>

Whether the erstwhile Americans would admit it or not, sectionalism was becoming more bitter and the country was drifting fast toward disunion. The Dred Scott decision was a bomb shell explosion in the North, and the John Brown raid was a horrifying shock to the South. Talk of secession became common, and peoples' minds were soon prepared for the worst. In Kentucky the realization of the danger to the Union seemed terrible. A majority of Kentuckians were democrats, but not to the extent of destroying the Union. In the early part of 1860, meetings, without regard to parties, sprang up, seeking to devise means to stay the course of events. The "Opposition" held a state convention in Frankfort on February 22, where Union sentiment ran high. It declared that the people of Kentucky were for the Union and the Constitution, that Union must be maintained, and that Kentucky would redress her grievances inside the Union rather than outside. It recommended Crittenden as a suitable candidate for the "National Union" party to run for the Presidency. The election of 1860 approached with the last bond of union between the two sections broken—the democratic party. John C. Breckinridge was the candidate of the Southern democrats, while Stephen A. Douglas represented the Northern division. Abraham Lincoln was the choice of the sectional republicans. But what was to become of the old Whig-Know-Nothing-American group, which had hoped to settle the trouble by holding that there would be no troubles if people would stop wishing them. In the border region between North and South, where the influences from both sections played their part, the Constitutional Union Party sprang up to carry forward the old principles. This party, refusing to discuss the issues confronting the country, called upon the people to support the Constitution and the Union. John Bell became their candidate. That the democrats could not win, divided as they were, was a foregone conclusion to all who would face the facts. That even Kentucky would not support the Southern democrats with Breckinridge leading, was made certain by the election in August of Leslie Combs, an old whig, but now a Bell candidate, to the clerkship of the Court of Appeals. He polled 68,165 votes to 44,942 for Clinton McClarty, the Breckinridge democrat, and 10,971 for Robert R. Bolling, the Douglas democrat. In November, Kentucky was carried by the Constitutional Union Party. Bell received 66,016, Breckinridge, 52,836, and Douglas, 40,372. Lincoln received 1,366. There was a strong indication in these results that the great majority of Kentuckians were in favor of a conservative course which would avoid the rocks of disunion. The Constitutional Union vote was preeminently a vote for the preservation of the Union, the Douglas democratic vote was somewhat less so, while the republican, although almost negligible, was still less. The Breckinridge democrats were largely men of audacity and action, who would have what they considered to be Southern rights protected or stop with no remedy short of secession. Kentucky was now at the parting of the ways; with Lincoln elected and secession at hand, what would be her course?

<sup>48</sup> Collins, *History of Kentucky*, I, 81.

## CHAPTER LXI

### NEUTRALITY AND THE UNION

When South Carolina seceded from the Union in December, 1860, she found little sympathy in Kentucky. Although most of the North and South were much agitated, Kentucky maintained a course of conservatism. The Union "under the Constitution" was entirely acceptable to her. She had often shown her attachment to the Union, and now she thought that too much haste in any direction would be fatal. From the very inception of the secession movement, the South was not certain as to Kentucky's course. As early as December 25, 1860, a commissioner from Mississippi, sent by the governor with the concurrence of the Legislature, arrived in Frankfort to consult with Governor Magoffin on the state of the country, and also to urge him to call an extra session of the Legislature to co-operate with the South "in the adoption of efficiency measures for their common defense and safety."<sup>1</sup> Two days later a commissioner from Alabama called upon Magoffin and proposed that Kentucky co-operate with the Southern States in obtaining a redress of wrongs. And on the same day the governor issued a call for an extra session of the Legislature to meet in January.

Magoffin was undoubtedly strongly in favor of the South and would have liked to see the state cast her lot with the Confederacy. However, he was not an extremist, and was willing that the popular will should be conclusive. He would much rather have seen the Union preserved, but in a choice between the North and South, he was always for the latter. His message to the extra session advocated the calling of a convention of the border slave states, including North Carolina and Tennessee, to devise ways and means of saving the Union. He also stated the position of his state as a whole when he advised the Legislature to "declare by resolution the unconditional disapprobation of Kentucky of the employment of force in any form against the seceding states."<sup>2</sup> The Legislature also struck a sympathetic chord throughout the state when it "directed the sergeant-at-arms to hoist the American flag over the capitol during the present session."<sup>3</sup>

Kentucky was extremely solicitous that the United States Government employ no force against the seceding states. It seemed clear to her that as long as the "erring sisters" were allowed "to depart in peace," her position was in the Union; but should an expedition be launched against the South, the course would not be so clear. The House unanimously passed the resolution, "That this general assembly has heard with profound regret of the resolutions recently adopted by the states of New York, Ohio, Maine, and Massachusetts—tendering men and money to the President of the United States, to be used in coercing certain sovereign states of the South into obedience to the federal government." It furthermore resolved that "the governor of the state of Kentucky is hereby requested to inform the executives of each of said states that it is the opinion of this general assembly that whenever the authorities of these

<sup>1</sup> Collins, *History of Kentucky*, I, 85.

<sup>2</sup> Collins, *History of Kentucky*, I, 86.

<sup>3</sup> *Ibid.*



states shall send armed forces to the South for the purpose indicated in said resolutions, the people of Kentucky, uniting with their brethren of the South, will as one man resist such invasion of the soil of the South at all hazards and to the last extremity." <sup>4</sup> But this same Legislature definitely refused to call a sovereign convention, which might make secession possible. <sup>5</sup> Instead, it appointed six commissioners or delegates with \$500 each for expenses to the Peace Conference in Washington, beginning on February 4.

The Legislature, having adjourned on February 11, reassembled on March 20, and on April 3, called another border slave state convention to meet in May. The state was abundantly showing its training: while its senators were suggesting compromises in Congress to save the Union, the state was holding conventions to mend affairs.

Meanwhile, Fort Sumter had been fired upon and reduced, and it now seemed that armed resistance was inevitable. On April 15, Magoffin received a call from the War Department for four regiments of troops "for immediate service." He replied in part, " \* \* \* I say *emphatically* Kentucky will furnish no troops for the wicked purpose of subduing her sister Southern States." <sup>6</sup>

Indeed, Kentucky was now in an anomalous position. She had condemned the use of force against the South, and with equal resolution she had determined to remain within the Union. On April 17, John J. Crittenden, in a speech at Lexington, condemned the fratricidal strife, and counselled the people not to be dragged into the war either for the North or for the South, but to remain free from both and act the part of mediator. The day following the Union State Central Committee, appointed by both parties, issued an "Address to the people of the Commonwealth," in which they again expressed the state's position. It was a virtual forerunner of her later neutrality policy. Speaking of the call for troops, the Address said, "She has refused to comply with it. And in this refusal she has acted as becomes her. We approve the response of the Executive of the Commonwealth. One other appeal now demands a response from Kentucky. The Government of the Union has appealed to her to furnish men to suppress the revolutionary combinations in the cotton states. She has refused. She has most wisely and justly refused. Seditious leaders in the midst of us now appeal to her to furnish men to uphold those combinations against the Government of the Union. Will she comply with this appeal? Ought she to comply with it? We answer with emphasis no \* \* \* She ought clearly to comply with neither the one appeal nor the other. And if she be not smitten with judicial blindness, she will not. The present duty of Kentucky is to maintain her present independent position—taking sides not with the Government and not with the seceding states, but with the Union against them both; declaring her soil to be sacred from the hostile tread of either, and, if necessary, making the declaration good with her strong right arm. \* \* \* She ought to hold herself independent of both sides, and compel both sides to respect the inviolability of her soil." <sup>7</sup> This address, being prepared by members from the different parties, may be taken as the recognized position of the state as a whole.

The state was merely fighting against time. The situation was becoming more complicated as the days passed. On April 22, L. P. Walker, secretary of war of the Confederate states, requested Magoffin "to furnish one regiment of infantry, without delay. \* \* \*" With less

<sup>4</sup> This resolution was passed by the House by a vote of 87 to 6. The Senate did not act upon it.

<sup>5</sup> Collins, *History of Kentucky*, I, 87.

<sup>6</sup> *Ibid.*

<sup>7</sup> *History of the Ohio Falls Cities and Their Counties*, 94, 95; Collins, *History of Kentucky*, I, 88.

harshness than he had used in replying to the call of the United States, he declined to comply with the request. Although the people had made known their views at many times and places, the state had not yet officially spoken. For the purpose of settling the state's problem, Magoffin had again on May 6 attempted to have the Legislature call a sovereign convention, but without success. Finally on May 16, the definite policy of neutrality was established by the House in the following resolution, "That this state and the citizens thereof should take no part in the Civil war now being waged, except as mediators and friends to the belligerent parties; and that Kentucky should during the contest occupy the position of strict neutrality." It furthermore resolved, "That the act of the governor in refusing to furnish troops or military force upon the call of the executive authority of the United States, under existing circumstances, is approved."<sup>8</sup> The Senate adopted in a separate resolution its policy. The resolution follows: "*Resolved*, That Kentucky will not sever her connections with the national government, nor will she take up arms for either of the belligerent parties; but will arm herself for the one purpose of preserving tranquillity and peace within her own borders."<sup>9</sup>

The state thus committed itself to a position unheard of in law or the constitution. It later came in for the ill-will of both sides, which is generally the lot of neutrals. It assumed an extra-legal as well as an extraordinary position; but the occasion that brought it about had never before been paralleled. Neutrality came early to be condemned severely from without; and both factions from within soon disowned it. As a matter of fact, it was used by the extremists of both parties to serve their own purposes. Those, who were attempting to swing the state to the Southern Confederacy, welcomed it as being much better than an open stand for the Union. They used it to their advantage as much as possible by making it an armed neutrality, ostensibly against "all other states, whether separate or united, and especially the 'United States' and the 'Confederate States.'" Those who would have had the state take a stand for the Union at once, a small but growing faction, merely tolerated neutrality and bided their time. But neither faction was the originator of the idea of neutrality. It sprang full grown from the great body of Kentuckians; it was the logical outgrowth of their characteristic conservatism. It came as much from the "Mothers, Wives, Sisters, and Daughters of Kentucky," who later sent hundreds of petitions to the Legislature, praying to "guard them from the direful calamity of civil war, by allowing Kentucky to maintain inviolate her armed neutrality," as it did from the scheming politicians.<sup>10</sup> As noted before, it was only a transition period in which Kentucky was striving to find herself.

Perhaps the first important allusion to a possible neutrality position was made in a speech by Robert J. Breckinridge, at Lexington on January 4, 1861. Referring to a possible solution for the difficulties, he said, "The first of these is, that in the progress of events, it may well become the border slave States to unite themselves into a separate confederacy; the second is, that it may well become Kentucky, under various contingencies, to assume a separate sovereign position, and act by herself."<sup>11</sup> This early suggestion, thus, came from one of the state's strongest Union supporters. Neutrality in the beginning was almost unanimously adopted by the leaders of both parties, and large majorities upheld it in the Legislature.<sup>12</sup> Although used by all factions, each for its own ends, as stated

<sup>8</sup> The first resolution was adopted by a vote of 69 to 26; and the second, 89 to 4. Collins, *History of Kentucky*, I, 91.

<sup>9</sup> This resolution was adopted by a vote of 13 to 9.

<sup>10</sup> See Collins, *History of Kentucky*, I, 89.

<sup>11</sup> *Discourse of Dr. Robert J. Breckinridge*. At Lexington, January 4, 1861. Pamphlet, 21.

<sup>12</sup> Collins, *History of Kentucky*, I, 90.

before, neutrality was a natural outgrowth of the Kentucky temperament. But from its very nature it was transitory and untenable, placing the state in an anomalous position.

It was almost certain that if the war should run a long course the contending armies could not possibly be kept out of the state. The Union as well as the Confederate Government was handling the situation in Kentucky as tactfully as circumstances seemed to admit, each well knowing the possible consequences of an untoward act. On April 26 Lincoln, in a conversation with Garret Davis, promised that he would make no military move against any state that offered no armed resistance to the authorities of the United States. He also stated that he contemplated no military operations that would require the movement of troops through the state. He regretted that Kentucky had not furnished her quota of troops, which it was clearly her duty to have done, but still he had no right or disposition to coerce her. In fine, then, he promised that if Kentucky made no war against the Government of the United States, he would respect her position. Two days later he told W. L. Underwood, another prominent Kentuckian, that "he hoped that Kentucky would stand by the Government, in the present difficulties; but, if she would not do that, let her stand still and take no hostile part against it; and that no hostile step should tread her soil."<sup>13</sup> Lincoln could well make these promises, knowing that before the necessity should arise to invade the state, a change in her untenable position would take place. These suave promises were additional weight drawing the state closer to the Union. Lincoln did not minimize the extreme importance of the state to whichever side it should go. He worked hard and with great tact in saving it for the Union. Lincoln's estimate of the situation is clearly shown in his tactful handling of Fremont's bungling proclamation freeing slaves in Missouri. In writing of this, he said: "The Kentucky legislature would not budge until that proclamation was modified; and General Anderson telegraphed me that on the news of General Fremont having issued deeds of manumission, a whole company of our volunteers threw down their arms and disbanded." He added, "I think to lose Kentucky is nearly the same as to lose the whole game. Kentucky gone, we cannot hold Missouri, nor, as I think, Maryland."<sup>14</sup> In writing to Fremont concerning the proclamation Lincoln said it would "alarm our Southern Union friends and turn them against us; perhaps ruin our rather fair prospects for Kentucky."<sup>15</sup>

The South, which had expected Kentucky from the start acted with less tact but with more boldness and in a chiding spirit. In answer to a communication from Magoffin requesting the Confederate Government to respect the state's neutrality, Jefferson Davis said that neutrality to be respected must be maintained against all parties, and that as long as it was maintained against all parties, the Confederacy would respect it. A very unfortunate and impolitic remark, attributed to Howell Cobb, of Georgia, was also doing much to alienate the Kentuckians from the South. Cobb was reported to have said that the South would only "have to go home, raise cotton, and make money," leaving the war to be fought out by the border states.<sup>16</sup> The impatience of the South at Kentucky's position was expressed by the *New Orleans Delta* when it threatened to cut off trade: "We want no corn, no flour, no swill-fed pork, no red-eye, no butter or cheese from the great Western Reserve, no 'sass,' no adulterated drugs, no patent physics, no poisoned pickles. \* \* \*

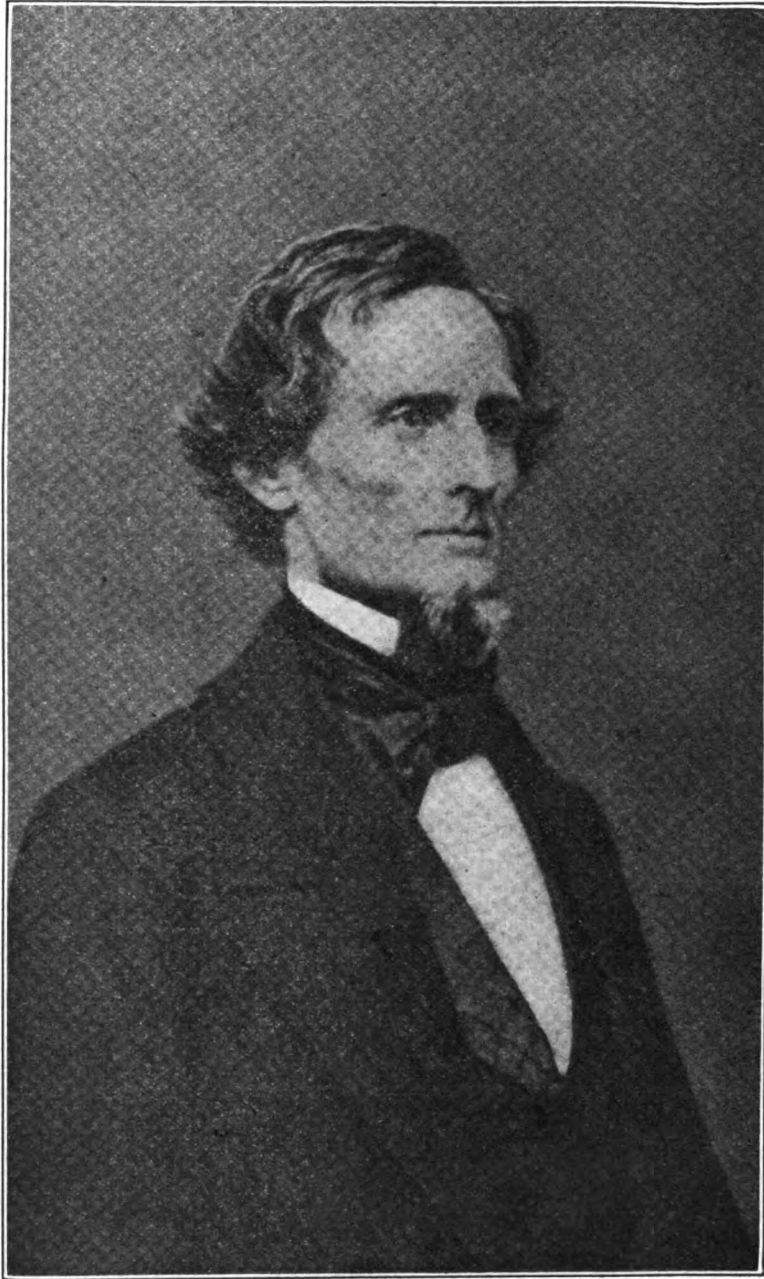
And we will not pay the 'Blue Grass' country of Kentucky for

<sup>13</sup> Collins, *History of Kentucky*, I, 88.

<sup>14</sup> John G. Nicolay and John Hay, *Complete Works of Abraham Lincoln* (New York: n. d.), VI, 357-361. Letter to O. H. Browning.

<sup>15</sup> *Ibid.*, 350, 351.

<sup>16</sup> Shaler, *Kentucky*, 249.



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its loyalty to Lincoln by opening our markets to its hemp fabrics. Let it lay in the bed it has chosen until it awakes to a sense of its duty as well as its interest. \* \* \* It is the clear duty of our Government now to declare Kentucky under a blockade. \* \* \* Kentucky and the West must be made to feel this war, and feel it until they cry peccavi." <sup>17</sup>

Under these conditions, neutrality was becoming distasteful to all parties concerned. The secessionists in the state and outside were becoming disgusted, while Unionists everywhere were becoming impatient for what they strongly believed they would ultimately receive. On May 31, Joseph Holt wrote to Joshua F. Speed in a doubtful tone concerning neutrality. He said, "If, however, from a natural horror of fratricidal strife, or from her intimate social and business relations with the South, Kentucky shall maintain the neutral attitude assumed for her, by her legislature, her position will still be an honorable one, though falling far short of that full measure of loyalty which her history has so constantly illustrated." <sup>18</sup> But in less than two months he assumed a much stronger attitude, condemning neutrality and boldly calling upon the state to come out for the Union. He furthermore attempted to saddle the whole policy upon the scheming politicians. <sup>19</sup>

The people by this time were beginning to find themselves; they were taking sides, and when the decision should be complete, neutrality would automatically cease to exist. A number of elections were held during this period which gave an index into the general desires of the people. In May (1861) the delegates to the Border Slave State Convention, who were construed as favoring the Union received 110,000 votes, or about two-thirds of the votes of the state. For various reasons the open secession ticket was withdrawn. <sup>20</sup> In June of the same year there was held a special congressional election, in which the Union party won nine out of the ten congressmen and carried the state by a majority of 54,756. <sup>21</sup> Also in the August following an election was held for a new State Legislature. Here again the side favorable to the Union won. It elected 76 to the House and 27 to the Senate; while the secessionists held 24 in the House and 11 in the Senate. <sup>22</sup>

These elections did not mean an endorsement of the Union at any price, but they were decisive against the state seceding. They were, furthermore, very encouraging to the strong Union leaders. They were equally discouraging to the secession leaders, who now began to debate whether the arbitrament of war should not settle what the elections had failed to do. And as a result of numerous causes and contributing factors, the Confederate forces seized Columbus and Hickman on September 3. <sup>23</sup> As a consequence of this action and an invasion of the eastern part of the state by Zollicoffer, the Legislature, now made up of the newly elected members, definitely abandoned neutrality and took its stand for the Union. This was on September 18. The resolution announcing the new policy follows: "WHEREAS, Kentucky has been invaded by the forces of the so-called Confederate States, and the commanders of the forces so invading the State have insolently prescribed the conditions upon which they will withdraw, thus insulting the dignity

<sup>17</sup> Quoted in *Rebellion Record* (New York, 1864), edited by Frank Moore, II, 72.

<sup>18</sup> *Joseph Holt to J. F. Speed, May 31, 1861* (New York, 1861). Published in separate pamphlet.

<sup>19</sup> *An Address by Honorable Joseph Holt to the People of Kentucky, July 13, 1861* (New York, 1861). Published in pamphlet form.

<sup>20</sup> Thomas Speed, R. M. Kelley, and Alfred Pirtle, *The Union Regiments of Kentucky* (Louisville, 1897), 11.

<sup>21</sup> *Tribune Almanac*, 1861, p. 60.

<sup>22</sup> Shaler, *Kentucky*, 247; Speed, *Union Regiments of Kentucky*, 12.

<sup>23</sup> Collins, *History of Kentucky*, I, 93.

of the State by demanding terms to which Kentucky can not listen without dishonor; therefore,

"1. *Be it resolved by the General Assembly of the Commonwealth of Kentucky*, That the invaders must be expelled; inasmuch as there are now in Kentucky Federal troops assembled for the purpose of preserving the tranquility of the State, and of defending and protecting the people of Kentucky in the peaceful enjoyment of their lives and property."<sup>24</sup>

It is not the purpose here to examine into the question as to who violated the states neutrality first. Indeed, it matters little who did it, even if it were possible to hold one party more guilty than the other. But is sufficient to say that in an examination of the question, the "Lincoln Guns," Camp Dick Robinson, and Grant's movements and intentions opposite Columbus, would have to be taken into consideration as well as the movement of Polk and Zollicoffer.<sup>25</sup>

More important than a mere discussion as to who first violated neutrality, is an examination into the economic conditions and trade relations of the state both with the North and the South during the early period of the crisis, which in fact had much to do with making the attitude of mind which produced neutrality. The Mississippi and its tributaries had since the days of Burr and Sebastian and the Spanish intrigues been the very nerve center of the inland country. And although canals and railroads had by this time lessened its importance, still a very delicate question was involved when its navigation was affected. Fully recognizing this, and seeing the disastrous consequences that might ensue if a bungling policy were adopted, the Confederate Congress in February, 1861, passed a law securing the free navigation of the Mississippi to all vessels of any state bordering upon that river or upon its navigable tributaries.<sup>26</sup> This was, of course, a direct bid for the border states.

But with the traffic free upon the Mississippi, the North was receiving much cotton, so very necessary for war purposes. The South in seceding had counted upon her cotton as a most effective club to wield against the Union as well as against foreign countries. She was not now going to let a great power slip from her, by permitting the North to import Southern cotton. Knowing that the border states would not be primarily affected, and believing that the injury that would be done to the North would more than compensate for the loss of any sympathy she might suffer in the border states due to inconveniencing them, the Confederacy on May 21 passed a law prohibiting the shipping of cotton north. It became effective June 1 and provided directly that no cotton or cotton yarns should be shipped from the Confederacy except by way of her seaports. Special exception was made for shipments across the Rio Grande to Mexico. Any steamboats or railway trains carrying such products out of the Confederacy in violation of the law were to be confiscated for the use of the Government.<sup>27</sup> The South had not counted upon the fact that the slightest interference with the free trade of the Mississippi Valley would create a storm of opposition. Even against the Confederate enactment of February 25, merely assuming control of the trade without stopping it, the Kentucky Legislature protested as follows: "Whereas this General Assembly is informed that

<sup>24</sup> Collins, *History of Kentucky*, I, 93, 94. There were five resolutions, the preamble and the one quoted being adopted in the House 73 to 23, and in the Senate 26 to 9. The Governor vetoed them; but they were passed over his veto.

<sup>25</sup> These points will be discussed hereafter in connection with the military movements.

<sup>26</sup> *War of the Rebellion. Official Records of the Union and Confederate Armies*, Series IV, Vol. I, 111, 112. Referred to hereafter as *Official Records*.

<sup>27</sup> *Official Records*, Series IV, Vol. I, 341, 342.

certain persons acting as a Congress of the seceded states have assumed power to obstruct and regulate the free navigation of the Mississippi River by the citizens of this Union to whom it belongs, therefore be it

*"Resolved, by the General Assembly of the Commonwealth of Kentucky, That Kentucky, having as much right to the Mississippi River, to its free, unobstructed navigation, as Louisiana or any other State, and that right being of vital importance to her people, feels it her duty to herself and to her sister States, at the earliest day, to make this her most solemn protest against any assumption of such power to control the navigation of that river as utterly without right or proper authority, and as what she cannot and will not submit to."*<sup>28</sup> The South was thus losing much sympathy in Kentucky by a too hasty treatment of the trade relations of the interior.

The Confederacy, at length, seeing that Kentucky would most likely take her position in the Union, now determined to strike at the very root of all trade with the North. The Confederate Congress on August 2, extended the provisions of the act of May 21 to include also all exportations of tobacco, sugar, rice, molasses, syrup, and naval stores. This law was to become effective after August 10.<sup>29</sup> About this time Governor Harris of Tennessee placed an embargo on a long list of articles.<sup>30</sup> By the beginning of June, the steamboat traffic on the Mississippi River was being most seriously interfered with. Most of the river crafts were stopped at Memphis on their trips up the river. A traveller from New Orleans reported that the steamboat which he had come up the river upon was tied up at the wharves at Memphis, "the last of the fleet—all laid up to rot, and ruin their owners."<sup>31</sup> At a Southern Boatmen's Convention in Memphis in early June, the following among other resolutions was adopted: "That no boat, not owned within the limits of the Southern Confederacy, should be permitted to sail on Southern waters, in the pursuit of a local and a coasting business."<sup>32</sup>

The South had by these proceedings, no doubt, the additional purpose of forcing Kentucky to make a decision. It was, of course, apparent that there would be an immense steamboat tonnage owned or operated by Kentuckians, which would be cut off from the lower Mississippi traffic, unless Kentucky would secede from the Union and enter the Southern Confederacy. There was, however, this argument for the Kentuckians, that even if they should secede and join the Confederacy, there would be still a loss to them in being cut off from the Northern trade. Furthermore, there was irritation to the Kentuckians from an "unjust and unwarranted" interference with their trade affairs—and this coming from the outside, made it doubly objectionable. It is apparent, then, that the South had made a mistake in her trade policy in the Mississippi Valley, as far as it proposed to secure the sympathy or co-operation of Kentucky.

The North was able to handle her trade policy in the Mississippi Valley with more tact, being helped largely by natural influences and by hasty action on the part of the South. There were intimate trade

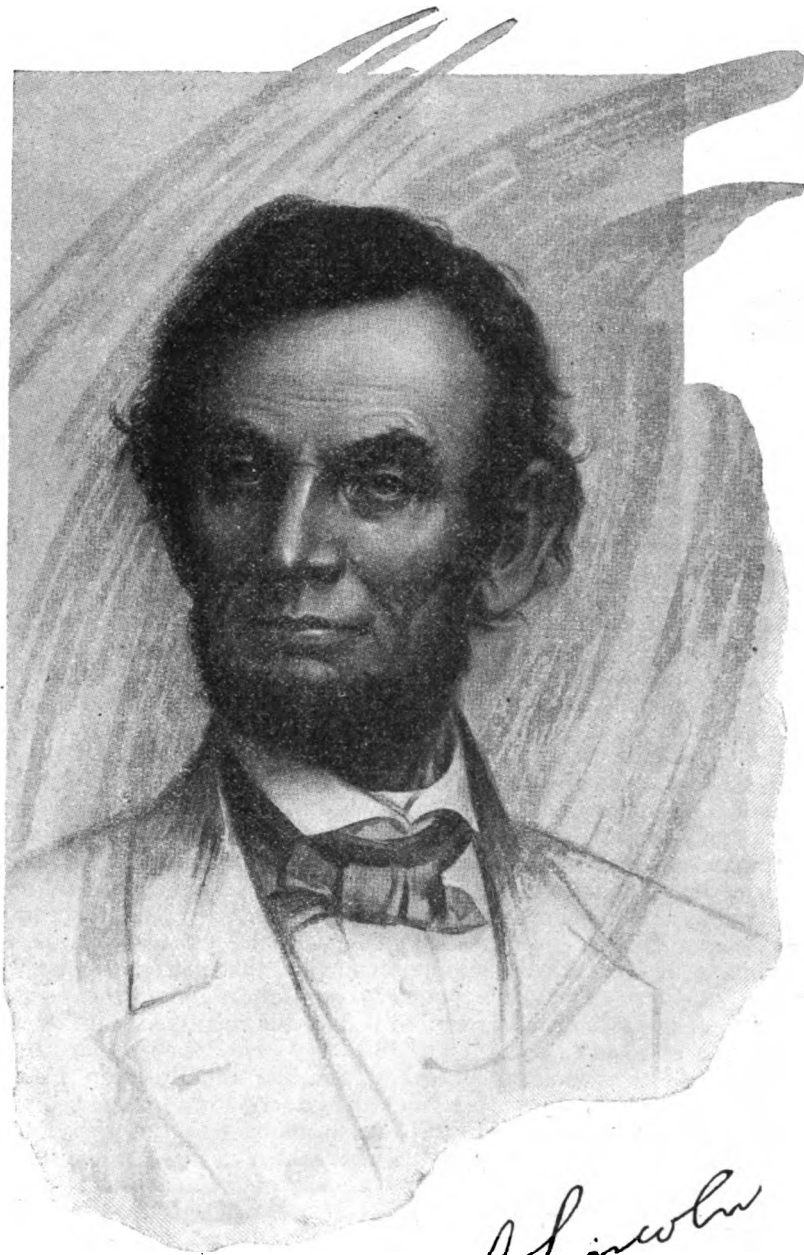
<sup>28</sup> *American Annual Cyclopaedia and Register of Important Events, 1861* (New York, 1865), 396. This outburst of the Kentucky Legislature was precipitated by the instructions issued by the Treasury Department of the Confederacy to its revenue officers, requiring manifests to be delivered, and entries to be made of all merchandise coming down the Mississippi River from states outside of the Confederacy. This is an excellent example of the delicacy of the question of trade relations.

<sup>29</sup> *Official Records*, Series IV, Vol. I, 529.

<sup>30</sup> *Ibid.*, 384.

<sup>31</sup> *Cincinnati Daily Gazette*, May 29, 1861.

<sup>32</sup> From the *Memphis Argus*, quoted in the *Cincinnati Daily Gazette*, June 7, 1861.



*A. Lincoln*



relations between the northern and southern banks of the Ohio River, that would not permit of a rude upsetting. In one week at Cincinnati alone, one group of ferry boats made 1,480 trips across the river, carrying 29,311 passengers, 369 horses, 382 cattle, 1,566 drays, and 1,877 other kinds of vehicles.<sup>33</sup> The Ohio River was a bond of union for this region, rather than a barrier. When the war came, the trade of the states north of the Ohio became very brisk. Of course, much of it was carried on ostensibly with Kentucky; but in reality Kentucky was merely a link in the transportation of large shipments to the Southern Confederacy. Within a few days 2,500 bags of coffee were shipped from Cincinnati to Louisville, presumably for Kentucky consumption, but in reality destined for the Confederacy.<sup>34</sup> Louisville soon became a great entrepot for trade between the North and the Confederacy. Of course, the trade was all going South, as the Confederate embargo was being enforced against traffic northward. The depots became congested with freight for the South, and immense quantities were going daily over the Louisville and Nashville Railroad to the Confederacy. Whatever rules had been promulgated by the United States Treasurer were hopelessly out of working.<sup>35</sup>

The states north of the Ohio River soon awoke to the fact that they were supplying the Southern Confederacy with immense quantities of foodstuffs and not inconsequential amounts of munitions of war. The *Vincennes Gazette* demanded that the trade down the Wabash River be completely cut off unless it could be prevented from reaching the Confederacy.<sup>36</sup> On May 4, Governor Morton, of Indiana, wrote Lincoln, demanding that this trade with the South be stopped at once. He argued that Kentucky's sympathies lay with the South and that she would "maintain substantially a neutral position which is the most that their so-called Union men pretend to hope for."<sup>37</sup> But Lincoln was biding his time. He knew too well the conditions in Kentucky and the remainder of the Ohio Valley to do anything radical. In the latter part of April a meeting was held in Cincinnati, which declared "That any men or set of men, in Cincinnati or elsewhere, who knowingly ship one ounce of flour or one pound of provisions, or any arms or any articles which are contraband of war, to any person or any State which has not declared its firm determination to sustain the Government in its present crisis, is a traitor, and deserves the doom of a traitor."<sup>38</sup> And according to the *Cincinnati Daily Gazette*, "In the meantime, we would urge upon the citizens of New Albany and Jeffersonville, that not one dime's worth of any supplies—not even a pound of butter or a dozen of eggs—be allowed to cross the river from this side, till this species of 'neutral' rascality is at an end. \* \* \*"<sup>39</sup>

By means of a whole storm of agitation, the trade between the northern and southern banks of the Ohio was largely curtailed. The Federal revenue officers at Cincinnati forbade steamboats to carry to Paducah or Smithfield any pork, bacon, flour, wheat, hay, corn, oats, live stock, or arms and ammunition. This order was made in the early part of June, but affected only the western part of the state, which was strongly secessionist in sympathies.<sup>40</sup> A closer watch was kept on the boats plying between the Kentucky ports and the regions to the north, and all goods

<sup>33</sup> Collins, *History of Kentucky*, I, 76.

<sup>34</sup> *Cincinnati Daily Gazette*, May 30, 1861. Also see E. M. Coulter, "Effects of Secession upon the Commerce of the Mississippi Valley" in *Mississippi Valley Historical Review*, Vol. III, No. 3, December, 1916, pp. 275-300.

<sup>35</sup> *Cincinnati Daily Gazette*, June 1, 1861.

<sup>36</sup> Quoted in *Cincinnati Daily Gazette*, May 29, 1861.

<sup>37</sup> *Official Records*, Series III, Vol. I, 158.

<sup>38</sup> *History of the Ohio Falls Cities and Their Counties*, 96.

<sup>39</sup> Editorial, June 15, 1861.

<sup>40</sup> *Cincinnati Daily Gazette*, June 12, 1861.

sent to such ports had to be sworn to be for Kentucky's consumption alone.<sup>41</sup> But Kentucky, herself, was still sending much freight to the South, and many things consigned to Kentuckians and designed for their use alone ultimately found their way to the Confederacy. The states north of the Ohio looked upon this with bitter resentment. The *Cincinnati Daily Gazette* in an editorial caustically remarked that "The 'neutrality' of Kentucky seems to consist in perfect freedom to furnish our enemies the wherewith to make war upon us, and the Government knowingly permits this nefarious business to go on. \* \* \* We unhesitatingly assert that there is not, and cannot be, any palliation for this criminal negligence, and unless instant and effective measures are taken by the Administration to stop the villainous traffic, the whole West should rise up in indignation and denounce it in thundering tones."<sup>42</sup> But throughout all this agitation and clamor, Lincoln refused to be moved from his purpose. He showed wonderful tact and foresight in the handling of the whole trade situation. When he was convinced that Kentucky had been sufficiently alienated from the South through annoying treatment, he sealed all exit from that state to the South.

The Louisville and Nashville Railroad was the great trade route from Kentucky to the South, after the Mississippi had been closed. The South was receiving immense supplies over this road. The nature of the traffic became so clear, that the National Government was forced by popular clamor north of the Ohio River to interfere with it. Consequently, on June 24, the surveyor for the port of Louisville issued a prohibition on all shipments to the southward, without a permit from his office.<sup>43</sup> The large Louisville dealers who had their warehouses filled with goods for the South were not disposed to yield to this order. They sought an injunction, and in the case of Brady and Davies vs. the Louisville and Nashville Railroad, brought in the Jefferson County Circuit Court, Judge Muir decided that the United States had a right to stop the traffic on the railway.<sup>44</sup>

But luck was on the side of the Federal authorities again. In the meantime, the Confederates in Tennessee, believing that the road would be closed and fearing that they might lose most of the rolling stock to the northern branch of the road, brought about a crisis in the situation by seizing everything on the Tennessee end. Acting under orders from Governor Harris, of Tennessee, they secured three engines, forty box-cars, and many flat-cars. A short while later they were able to seize two more engines. This was justified on the ground that the Tennessee stockholders must be insured against losing the use of the Tennessee part of the road.<sup>45</sup> These proceedings on the part of the Tennesseans were very displeasing to Kentucky. Of the 286 miles of the road, only 45 lay in Tennessee, and this had cost \$2,025,000 of which Tennesseans had contributed only \$1,160,500. It appeared, then, to the Kentuckians that this was an unjust and unwarranted division of the property. This did much to alienate Kentucky sympathy from the Confederacy. Furthermore, the very fact that this seizure had been made previous to the court decision took most of the sting out of the closing of the road by the Federal Government. This shows another case in which the South acted hastily, much to her detriment and to the corresponding gain of the North. There is little doubt that, if the rolling stock had not been seized

<sup>41</sup> *Ibid.*, June 19, 1861.

<sup>42</sup> June 15, 1861.

<sup>43</sup> *Ohio Falls Cities and Their Counties*, 324; Collins, *History of Kentucky*, I, 92.

<sup>44</sup> *Cincinnati Daily Gazette*, July 12, 1861; *Ohio Falls Cities and Their Counties*, 324; Collins, *History of Kentucky*, I, 92.

<sup>45</sup> *American Annual Cyclopaedia*, 1861, 397, 398; *Cincinnati Daily Gazette*, July 12, 1861.

until after the court decision, the South would have alienated little sympathy in its actions.

Perhaps one of the weightiest natural forces that tended to draw Kentucky to the Union was her geographic position. By a direct east and west course the state presents a 400 mile frontier line, or by the sinuous Ohio River, 700 miles.<sup>46</sup> On her southern frontier lay one state with a single important line of entry; on her northern frontier lay three states with a dozen lines of entry; and besides, there was the great highway of the Ohio River to afford easy approach to any point on the state's northern frontier. It was no wonder that Joseph Holt could write of Kentucky's frontier thus, "Feeble states, thus separated from powerful and warlike neighbors by ideal boundaries, or by fears as easily traversed as rivulets, are as insects that feed upon the lion's lip—liable at every moment to be crushed. \* \* \* Kentucky, now occupying a central position in the Union, is now protected from the scourge of a foreign war, however much its ravages may waste the towns and cities upon our coasts, or the commerce upon our seas; but as a member of the Southern Confederacy she would be a frontier state, and necessarily the victims of those border feuds and conflicts which have become proverbial in history alike for their fierceness and frequency."<sup>47</sup> Indeed, so much more was the northern frontier of the state exposed than the southern, that the Kentuckians thought little of the possible dangers of invasion from the South.

Kentucky feared the great aggregation of troops that might be thrown across the Ohio at any point, by her three northern neighbors. Indeed, the North was alive to this fact and used it with telling effect in arguing with Kentucky. An instance, later in the war, presents an example. When Governor Bramlette was threatening to resist the drafting of negroes, even to the point of open conflict, the *Cincinnati Daily Gazette* reminded him that there was no sane man who would suppose "that the state would not be overrun by the fresh swarms that the northern hive would pour out upon such an occasion."<sup>48</sup> Also Robert J. Breckinridge, as early as January 4, 1861, declared that if Kentucky went with the South, she would soon be overrun by the millions from the north and speedily subdued.<sup>49</sup>

Equally as persuasive as these threats, was the offer of speedy help and protection. According to a Cincinnatian, "We do not hesitate to assert it as our opinion that, within ten days after a call for help from the Union men of Kentucky, thirty thousand northern men would cross the Ohio River to their relief, and that in a fortnight fifty thousand would go forward."<sup>50</sup>

Kentucky's geographic situation was also fatal to the South on the slavery question. Robert J. Breckinridge pointed out the distinct aspects of slavery and geography. He saw the cotton states in the far South, whose paramount interests were completely bound up in the preservation and perpetuation of slavery. Then there were the mixed states with plantations and small farms such as Arkansas, Tennessee, North Carolina, and Texas. Finally there were the purely border states such as Missouri, Kentucky, and Virginia. Kentucky's position, thus, put her where the things vital to a southern confederacy would be fatal to herself. "If your design," he said, "is to accept the principles, purposes and policy which are openly avowed in the interests of secession. \* \* \*; if that is your notion of regulated freedom and the perfect security of life and property; if that is your understanding of high

<sup>46</sup> *American Annual Cyclopaedia*, 1861, p. 395; Shaler, *Kentucky*, 24, 25.

<sup>47</sup> Letter from Joseph Holt to J. F. Speed, May 31, 1861.

<sup>48</sup> March 21, 1864.

<sup>49</sup> Discourse at Lexington.

<sup>50</sup> *Cincinnati Daily Gazette*, Sept. 2, 1861.

national prosperity, where the idea is more negroes, more cotton, direct taxes, free imports from all nations \* \* \*; then, undoubtedly, Kentucky is no longer what she has been, and her new career, beginning with secession, leads her far away from her strength and her renown."<sup>51</sup>

But even had the preservation of slavery been of prime importance economically to Kentucky, still her very position would militate against her if she should go with the South. Kentuckians had no doubt that slavery would still be preserved in the Union where it already existed. But she saw that as soon as all the slave states should secede, the United States would likely take steps to abolish slavery in the Union. And then she would see the North, which had been hitherto under no moral restraint, relieved from legal restrictions in enticing slaves to leave their masters and helping them along to freedom. Under these conditions her slave population would "melt away as snow in the summer sun." Speaking of this phase of the question, Breckinridge said, "For even those who act in the mere interest of slavery, ought to see that after the secession of the Cotton States, the border slave States are obliged, even for the sake of slavery, to be destroyed, or to adhere to the Union as long as any Union exists; and that if the Union were utterly destroyed, its reconstruction upon the slave line, is the solitary condition on which slavery can exist in security anywhere, or can exist at all in any border State."<sup>52</sup> Joseph Holt wrote to Joshua F. Speed, "She will, virtually, have Canada brought to her doors in the form of free states, whose population, relieved of all moral and constitutional obligations to deliver up fugitive slaves, will stand with open arms, inviting and welcoming them, and defending them, if need be, at the point of the bayonet. Under such influences slavery will pass rapidly away in Kentucky, as a ball of snow would melt in a summer's sun."<sup>53</sup>

Another phase of the state's geographic position that tended to draw her toward a state of indecision, expressed in her neutrality, was the fact that being on a frontier subject to the influences of both sections, she could not be unconsciously carried through by an overwhelming sentiment around her, as in the case of Mississippi or Massachusetts. And when her position is taken into consideration with the time element in the secession movement, it becomes still more evident why Kentucky decided to remain in the Union. The different Confederate states seceded as follows: South Carolina, on December 20, 1860; Mississippi, Florida, Alabama, Georgia, and Louisiana, in the following January; Texas, in February; Virginia, Arkansas, and North Carolina, in May; and Tennessee, in June. During January, February, and March, Kentucky was nearer secession than any time following. The state had been worked up to the point where secession was no remote possibility; but when she looked around she found herself surrounded on every side by loyal states. Tennessee, Virginia, Arkansas, and North Carolina were still in the Union. In February, when the first attempt was made to call a sovereign convention, Texas, Virginia, Arkansas, North Carolina, and Tennessee were still in the Union; and on May 10, when a second attempt was made to call a convention, Virginia, Arkansas, North Carolina, and Tennessee, had not yet seceded. Furthermore Kentucky had seen the course that the secession movements had run with some of her close neighbors, and it afforded no consolation to her that she would not be completely surrounded by hostile states, if she seceded. She had seen the Legislature of North Carolina submit to a vote of the people the question of a sovereign convention, and she had seen the

<sup>51</sup> *Discourse at Lexington.*

<sup>52</sup> *Discourse at Lexington.*

<sup>53</sup> *Letter from Joseph Holt to J. A. Speed.*

people of that state refuse even to consider secession.<sup>54</sup> When the northern tier of Southern states had finally decided to secede, affairs had undergone such a change in Kentucky that secession was extremely unlikely. Had Tennessee, Virginia, Arkansas, and North Carolina seceded in the early part of the year, it would have been much easier for Kentucky to have cast her lot with the South.

Although political affairs seemed to be upset throughout the early months of the Confederacy, and the state seemed to be as likely to turn one way as another, the financial world lost no faith in Kentucky. Before the secession movement had made its appearance (in 1859), the state bank notes ran at 1 per cent discount, with the notes of the Bank of Louisville at par.<sup>55</sup> During the troublous days of 1861, Kentucky bank notes stood high upon the Northern markets. The following is an extract from a financial report in May, "Confidence in the Kentucky bank notes continues to gather strength, and the currency has an improving tendency."<sup>56</sup> On May 29, 1861, the market for bank notes stood as follows for certain states:

Kentucky .....	2 to 2½	per cent discount
Virginia (Eastern).....	25	per cent discount
Missouri .....	15	per cent discount
Maryland .....	5 to 10	per cent discount
Tennessee .....	20 to 25	per cent discount
Georgia .....	50	per cent discount
Wisconsin .....	25 to 75	per cent discount
Illinois .....	25 to 75	per cent discount <sup>57</sup>

This shows the standing of Kentucky, as compared with states in the North as well as in the South, and bespeaks strongly the faith the North had in Kentucky's position. This confidence continued to grow as is seen from these quotations: On June 3, bank notes were 2 per cent discount; on the 4th, 1 to 2; on the 12th, 1 to 1½; on July 4, 1; on the 10th, ¾; on August 2, ½; on the 19th, ⅜; and on September 18, when she abandoned her neutrality, the discount was only ¼.<sup>58</sup> In the stock market, Kentucky stocks showed an upward movement during the period under consideration. The whole trend in financial transactions showed a remarkable stability in credit and a confidence in Kentucky's ultimate decision, that only the financial agent with his trained powers of observation could justify.

Kentucky's final position in the Civil war was, thus, the result of many forces. On the one side there were many considerations that made the Kentuckians sympathize with the South; while on the other side there were forces drawing them to the North. Many of these forces and movements, pulling the state one way or the other were deep-seated. They had been in the process of formation throughout the growth of the state. Other deciding factors were born of the

<sup>54</sup> D. H. Hill, *Young People's History of North Carolina* (Charlotte, N. C., 1907), 269.

<sup>55</sup> *Memphis Weekly Avalanche*, April 5, 1859.

<sup>56</sup> *Cincinnati Daily Gazette*, May 31, 1861.

<sup>57</sup> *Ibid.*, May 29, 1861.

<sup>58</sup> *Cincinnati Daily Commercial* and *Cincinnati Daily Gazette* for dates concerned. On August 2, 1861, the Northern quotations on bank notes of various states stood as follows:

Kentucky .....	½	per cent discount
Missouri .....	8	per cent discount
Virginia .....	20 to 25	per cent discount
Maryland .....	1 to 5	per cent discount
Tennessee .....	25	per cent discount
Wisconsin .....	25 to 65	per cent discount
Illinois .....	20 to 40	per cent discount

*Cincinnati Daily Gazette*, Aug. 2, 1861.

exigencies of the times. Each force or factor treated separately has a tendency to magnify its importance into a sole deciding issue; but no factor acted alone. The influences of all exerting their pressure on each deciding factor produced the final result. The forces for the Union won, but the position of the state as the war progressed and after it ended shows how strongly she was allied with the South.

## CHAPTER LXII

### COMMERCE AND COMMERCIAL RESTRICTIONS IN WAR TIMES

The problems connected with the regulation of trade with the enemy were very perplexing both to the Federal Government and to the Confederacy. The latter, however, had a much easier task, as it was chiefly concerned in obtaining food and munitions of war. During the early period of hostilities the products which the Confederacy wished to be kept from the North, such as cotton and sugar, were more easily prevented from being carried out than later when the Federal armies had pierced the center of the producing area. The problem of the Federal Government was to challenge the best efforts of both army and treasury officials. Prices were high in the South and many in the North and along the border, with doubtful sympathies, took advantage of the situation to smuggle much material south through the numerous avenues that had not or could not be sealed. It was only natural that Kentucky by the very fact of her geographic position should prove a stumbling block throughout the war in the attempts of the treasury department to co-ordinate commerce with military affairs. Coupled with this, the divided sympathies of her people made the difficulties almost insurmountable. Lying across the path of trade from north to south, the state was sure to profit by whatever trade there was, whether it originated with her or not. In the light of this situation, it is pertinent to examine the general trade regulations of both belligerents, reserving until later the more specific rules for Kentucky.<sup>1</sup>

As previously stated, the Louisville and Nashville Railroad was finally sealed as an avenue of trade to the southward, while Cairo blockaded the river highways. This blockade was destined to be very vexatious to legitimate commerce, and in itself could not prove to be permanently the best or most effective way to control commerce on the rivers. As far as Kentucky west of the Cumberland River was concerned, Secretary Chase declared that it was in "rebel hands," and that no trade whatever should be permitted with it.<sup>2</sup> To supplement the blockade, and to make trafficking along the Ohio River above Cairo impossible, all boats were required to get permits to load freight and to carry on board a Federal officer, whose duty it was to prevent such illicit trade.<sup>3</sup> Attempts were soon being made to absolutely cut off communications with the South so that there could be "no connection with the seceding States on matters of business, pleasure, caprice, or affection."<sup>4</sup> In the minds of many, only by such a program could the situation be managed. An observer in the Ohio Valley wrote in the latter part of 1861, "It is easy to see the situation of the States on the Mississippi must soon be deplorable if Cairo and New Orleans continue to be block-

<sup>1</sup> See E. M. Coulter, "Commercial Intercourse with the Confederacy in the Mississippi Valley 1861-1865" in *Mississippi Valley Historical Review*, Vol. V, No. 4, March, 1919, pp. 377-395.

<sup>2</sup> *Cincinnati Daily Commercial*, Sept. 18, 1861.

<sup>3</sup> *Ibid.*, Sept. 20, 1861; Jan. 20, 1862; Collins, *History of Kentucky*, I, 98.

<sup>4</sup> *Cincinnati Daily Commercial*, Oct. 24, 1861.

aded. The advances of our forces are all that can save them from starvation if one-half told here is true."<sup>5</sup>

Trade regulations were very closely correlated with the situation produced by the army at any given time. As long as the Federal armies lay idly on the defensive in Kentucky, the policy of the treasury was manifestly to prevent absolutely any trade with anyone or any place by or through which it might reach the enemy. At this time the problem of the Federal forces was to prevent the Confederacy from obtaining products from the North, as the cupidity of Northern traders had not yet asserted itself very strongly. But in the early spring and summer of 1862 when the Federal forces began to move southward, and to open up great areas of territory, which though in Federal hands, yet were inhabited by people whose views had changed little since secession, a new situation confronted those intrusted with regulating commerce. Early in February, Fort Henry and Fort Donelson had fallen, and by the middle of the month, Nashville was in the hands of the Federal army. A month later, Grant had opened up the Tennessee River to Pittsburg Landing, and through the fall of Island No. 10, the Mississippi was opened to Memphis. Thus, the great water highways to the South were opened for considerable distances through conquered territory. New rules for steamboat traffic on these rivers were at once imperative, and numerous questions of what commercial relations might be entered into with the inhabitants arose.

Stanton, secretary of war, in early March informed Halleck that the act of Congress, of July 13, 1861, which prohibited trade with states south of Kentucky and Missouri was to remain in force and that trade with the conquered regions should be regulated by instructions issued by the secretary of the treasury.<sup>6</sup> On March 3, the licensing and permit system in force on the Ohio and Upper Mississippi rivers was applied to the remainder of the latter river in Federal hands, and was extended to the Tennessee and Cumberland rivers. According to a commander in the field, it was "made necessary by the persistent efforts of persons in the loyal states who sympathize with those engaged in the rebellion, and by peddlers and corrupt traffickers, many of whom have come from disloyal states and sections expressly for this purpose, to smuggle goods, medicines, and other supplies through to the insurgents."<sup>7</sup> All baggage and packages taken into this region were required to bear an official seal and all vehicles, railroad cars, and water crafts were forbidden to carry merchandise not covered by customhouse permits. These permits were "not intended to impose additional expenses or burdens of any kind upon trade, or to impede or in any manner interfere with the freedom of legitimate and proper transportation or travel." Surveyors of the customs were to be empowered to grant permits and to "use liberally, though cautiously, the discretion with which they are intrusted. \* \* \*"<sup>8</sup> The pressure to engage in this trade was great, and the surveyors were undoubtedly more liberal than cautious, for on March 28, an order was issued cancelling all licenses on the 15th of April.<sup>9</sup> New licenses might be secured under much more strict regulations.

The mad scramble that set in to get the trade of this region was further checked by treasury regulations which required all boats running south of St. Louis and Louisville to show their manifests at every port and also to carry "aids to the revenue" who should prevent or supervise the taking on of additional freight along the way.<sup>10</sup> Only

<sup>5</sup> *Cincinnati Daily Commercial*, Dec. 10, 1861.

<sup>6</sup> *Official Records*, Series I, Vol. X, Part 2, p. 19.

<sup>7</sup> *Ibid.*, Vol. VIII, 585.

<sup>8</sup> *Official Records*, Series I, Vol. VIII, 585.

<sup>9</sup> *Ibid.*, 834.

<sup>10</sup> *Ibid.*, Vol. XIII, 553, 698-700.



persons of known or proved loyalty were to be given permits to engage in this trade. This order also allowed a certain amount of trade with the regions under "insurrectionary control." Under this permission and through the rather loose construction of the other regulations, there soon sprang up in Southern Tennessee and Northern Alabama an animated traffic in cotton. In theory, purchases were made from loyal people only or those who promised to become and remain loyal. The Federal commander at Huntsville, Alabama, on his own authority offered the facilities of outgoing wagon trains and railway cars for getting the cotton out.<sup>11</sup> Soon the wildest speculation broke loose. One person here made \$4,000 on sixty bales of cotton sent out to New York. It could be bought at 10 and 11 cents a pound.<sup>12</sup> As the Federal Government at this time was in bad need of cotton for war purposes, it instructed the military authorities to permit the payment of gold or treasury notes to stimulate the trade, with the argument that the Confederacy could buy no more readily with gold than it could with cotton.<sup>13</sup> With the War Department trying to fight the South into a peace and the treasury department trying to trade it into a peace, confusion and bitterness soon grew up between the two departments, in the course of which the latter sent the former this admonition: "There will be no interference with trade in our shipments of cotton, or other merchandise conducted in pursuance of said regulations, within any territory occupied and controlled by the forces of the United States, unless absolutely necessary to the successful execution of military plans or movements therein."<sup>14</sup> Under such encouragement it is little wonder that confusion and fraud grew up. The military authorities soon began to complain that their campaigns were being seriously interfered with by this trade. Often cars for army stores were not available due to their use in hauling out cotton. Restrictions on the use of Government trains were finally secured.<sup>15</sup>

The experiences of the military authorities with the traffic in cotton going on under their commands were enough to severely try their patience. There soon grew up friction between the two authorities over trafficking in the military districts that proved unfortunate for the success of the military operations. Trade regulations were being constantly changed and modified, resulting in great confusion. Generals in the field issued trade regulations on their own authority or supposedly in compliance with Treasury orders, none too well construed. It soon became almost impossible with these changing and conflicting rules, to ascertain which should be obeyed, with the result generally of exasperation for the military officers and free rein for the traders. Admiral Porter in bemoaning the state of affairs in a confidential letter to General Sherman said: "It requires a nice distinction on the part of an officer to discriminate in these matters and to run against the regulations of the treasury department, and I am sorry to say that some of my command commit blunders enough. I can give them all orders, but I cannot furnish them with brains."<sup>16</sup>

The antagonism between the treasury department and the military commanders was carried into every phase of the trade regulations. Generals Sherman and Grant were the bitterest opponents of the system of allowing trade in occupied areas. Sherman summed up his position thus, "We cannot carry on war and trade with a people at the same time."<sup>17</sup> Admiral Porter questioned the efficiency and even honesty of the numerous treasury officials, "A big circular was issued by the Treasury Depart-

<sup>11</sup> *Ibid.*, Vol. X, Part 2, pp. 174, 640.

<sup>12</sup> *Official Records*, Series I, Vol. X, Part 2, pp. 638-640.

<sup>13</sup> *Ibid.*, Vol. XVII, Part 2, p. 186.

<sup>14</sup> *Ibid.*, Series III, Vol. II, 482; Series I, Vol. X, Part 2, p. 632.

<sup>15</sup> *Official Records*, Series I, Vol. XVI, Part 2, pp. 80, 183.

<sup>16</sup> *Ibid.*, Vol. XXXI, Part 1, p. 781.

<sup>17</sup> *Official Records*, Series I, Vol. XVII, Part 2, p. 140.

ment," he said, "and an army of Treasury aids appointed to carry out the regulations. A greater pack of knaves never went unhung. Human nature is very weak, and the poor aids, with their small pay, could easily be bribed to allow a man to land 100 barrels of salt when he only had permit for 2. And so on with every thing else. The thing is done now so openly that the guerrillas come down to the bank and purchase what they want."<sup>18</sup> Together with the other army and naval officers, he thought "commerce should be a secondary consideration; the Government do not get repaid for the army of Treasury aids they have appointed. It is very much like setting a rat to watch the cheese to see that the mice don't get at it."<sup>19</sup>

The cotton trade especially was bitterly attacked by army officers. One wrote to his superior, "My hard-earned reputation as a soldier is being frittered away hourly by Southern Traitors and Northern thieves. Cotton is the corrupting element."<sup>20</sup> Grant said, "I regard a mercenary Union trader within the lines of our army as more dangerous than the shrewdest spy."<sup>21</sup> He held out as one solution that the Government buy up all the cotton and drive out the traders.<sup>22</sup> To the army the trader was as much an enemy as the Confederates, whom they were undoubtedly helping with their traffic. The Federal commander at Memphis claimed that that city had since its fall been of more value to the Confederates than Nassau. The Federal commanders feared no attack on Memphis as it was worth more to the Confederates in the enemy's possession. It was claimed that \$500,000 worth of material went through the lines at Memphis weekly.<sup>23</sup> Grant summed up his position thus, "My experience in West Tennessee has convinced me that any trade whatever with the rebellious States is weakening to us of at least 33 per cent of our force. No matter what the restrictions thrown around trade, if any whatever is allowed, it will be made the means of supplying to the enemy all they want. Restrictions, if lived up to, make trade unprofitable, and hence none but dishonest men go into it. I will venture that no honest man has made money in West Tennessee in the last year, while many fortunes have been made there during the time."<sup>24</sup> Sherman said he would, of course, have to respect the treasury rules on the cotton trade, but added significantly, "But I will move heaven and earth for its repeal, as I believe it will be fatal to our success."<sup>25</sup> The army commanders disagreed with the treasury officials also on the advisability of paying gold for cotton. Grant actually forbade the passage south of gold from Forts Henry and Donaldson, but was later forced to rescind his order.<sup>26</sup> It was claimed that the gold paid for cotton was smuggled out, and deposited to the Confederacy in Europe.<sup>27</sup> Sherman said, "If we provide our enemies with money, we enable them to buy all they stand in need of. Money is as much contraband of war as powder."<sup>28</sup>

This, then, was the commercial situation in the interior by the time the war was well started, largely produced by the commercial rules and regulations issued by the Federal Government. Another important element was the attitude assumed by the Confederate Government. At first its policy was to prevent products necessary to the North from leaving the Confederacy for that destination. The acts of the Confederate

<sup>18</sup> *Ibid.*, Vol. XXXI, Part 1, p. 780.

<sup>19</sup> *Ibid.*, 781.

<sup>20</sup> *Ibid.*, Vol. XLI, Part 2, p. 328.

<sup>21</sup> *Official Records*, Series I, Vol. XXIV, Part 3, 119.

<sup>22</sup> *Ibid.*, Vol. XVII, Part 2, pp. 357, 422.

<sup>23</sup> *Ibid.*, Vol. XXXIX, Part 2, pp. 22, 60.

<sup>24</sup> *Official Records*, Series I, XXIV, Part 3, 538.

<sup>25</sup> *Ibid.*, Series III, Vol. II, 350.

<sup>26</sup> *Ibid.*, Series I, Vol. XVII, Part 2, p. 155.

<sup>27</sup> *Ibid.*, Vol. XXXIX, Part 2, p. 22; Vol. XVII, Part 2, p. 123.

<sup>28</sup> *Ibid.*, Series III, Vol. II, 350.

Congress passed on May 21 and August 2, 1861, were designed to establish this policy. As Kentucky had not seceded from the Union, she rested under the ban of Confederate trade regulations. However numerous the friends of the South might be there, still the Confederacy had no assurance that cotton and other southern products, permitted to be taken into Kentucky, would not eventually fall into the enemy's hands. George W. Johnson, who became governor in the Provisional Government of Kentucky, desired the Confederates to push their lines farther into the state. Kentucky, he said, would sell clothing, foodstuffs, and horses and mules and would receive in return cotton, sugar, and rice. A licensing system would prevent the trade from getting into the hands of the Northerners.<sup>29</sup>

Trade in Southwestern Kentucky, west of the Cumberland River, upon which Secretary Chase had placed an embargo, was open and unrestricted with the Confederacy.<sup>30</sup> On November 3, 1861, Leonidas Polk, the Confederate commander of this region, forbade any trade until his agents had bought up for the army all the food and provisions he needed. This, he claimed, was intended to prevent speculators from raising the prices.<sup>31</sup> The Memphis merchants protested to President Davis on this action. Davis at once ordered the embargo to be lifted, saying that the Confederacy would rather pay higher prices than to obstruct free intercourse. Judah P. Benjamin added, "We have left commerce free in everything but the arms and munitions of war indispensable for defense."<sup>32</sup> The Confederacy adopted the policy that the Congressional acts restricting trade should not apply to those parts of Kentucky under its control. A licensing system was set up for the benefit only of Kentuckians loyal to the Confederacy, allowing trade in most southern products except cotton and naval stores. No trade was to pass northward beyond the Confederate lines.<sup>33</sup> In Southeastern Kentucky where the Confederates were attempting to occupy the state no trade or communication of any kind was permitted. No one was allowed to cross the Cumberland Mountains into Virginia. An army order gave the warning: "If he is living at home, subdued by tyranny, or satisfied with the usurpations of Lincoln, and has only enterprise enough to come into the Southern States to collect money or to arrange business connected with property, such a man had better stay away from a people whose whole energies now belong to their country."<sup>34</sup>

The policy of the Confederacy thus came to be absolute non-intercourse with those parts of Kentucky not under their control. But the varying fortunes of war soon placed the Confederates far south of the Kentucky border. Great stretches of their territory were thrown open to the enemy. The question now arose concerning trade with these lost districts. To many persons it appeared that those who were so unfortunate as to be in conquered areas, should not be deprived from trading with their more fortunate sympathizers in the Confederacy yet intact, when opportunity offered. But the Confederate Government believed that keeping certain products from the North merited first consideration, and so on April 19, 1862, the Confederate Congress passed an act making it unlawful to trade with any part of the Confederacy occupied by the enemy or to transport thereto "any cotton, tobacco, sugar, rice, molasses, syrup or naval stores."<sup>35</sup> At certain times and places, this

<sup>29</sup> *Official Records*, Series I, Vol. IV, 450, 451.

<sup>30</sup> The Confederates held Columbus (Kentucky) at this time, and, of course, controlled the region.

<sup>31</sup> *Official Records*, Series I, Vol. IV, 504, 505.

<sup>32</sup> *Official Records*, Series I, Vol. IV, 533.

<sup>33</sup> *Ibid.*, 532.

<sup>34</sup> *Ibid.*, Vol. X, Part 1, p. 37.

<sup>35</sup> *Official Records*, Series VI, Vol. I, 1077. For the three Confederate Congressional Acts concerning trade see *Ibid.*, Series I, Vol. XXIV, Part 3, p. 610.

law was very strictly enforced. In the latter part of 1863, to prevent the wholesale violation of this law, orders were issued to seize all wagons and mules used in the attempt to carry cotton toward the enemy's lines.<sup>86</sup> This worked great hardships at times, but it was declared necessary to combat the wild rush of Northern traders for cotton. This policy found many opponents among Confederate citizens. The sale of cotton appeared to them to be very beneficial to the Confederacy, despite the fact that it was helping the North. A Confederate Brigadier-General at Oxford, Mississippi, declared, "The Yankee was born for trade, and for a sufficient consideration would build boats to navigate on spring branches and bring us food and clothing for our naked and starving armies."

"I have reason to believe that we could, last winter and spring, have corrupted the Yankee army and fed and clothed our own by a judicious use of cotton. British gold was one of England's most effective weapons in Revolutionary days and came near taking West Point, and I believe that Southern cotton could have saved Vicksburg when Southern arms were powerless to do so."<sup>87</sup>

Although the Confederate Government forbade its citizens to trade with the enemy or carry cotton toward the northern lines, the Government, itself, entered into contracts with certain persons who promised to pass into the Confederacy large quantities of bacon, shoes, clothing, and other necessities, in return for cotton. The army officers were given orders to pass out through their lines cotton contracted for in this way. It appears, however, that the Confederacy was never able to get a large amount of material by this method. It generally happened that these special agents could not fulfill their part of the contract. This system was also attacked as inconsistent with the policy in force for private individuals.<sup>88</sup> As the Federal armies overrun the South there came to be little semblance of trade restrictions on the part of the Confederacy. The whole system became disorganized, and people traded with whom they pleased, unless prevented by the Federal Government. And, if the Federal military commanders were correct, the Confederacy profited much more from this disorganization than from their own regulations. A naval officer described the conditions existing in the Lower Mississippi Valley as "reeking with a corruption more pestilential and fatal than the malaria of its swamps. \* \* \*" "In trade, at least," he continued, "the dull quiet of annihilation is preferable to the baleful activity that springs from fermenting and festering decay of all the higher and more noble elements of commercial life."<sup>89</sup>

The constant evasions of both the Federal and Confederate trade regulations, show how the human instinct to trade and make money could not be checked by the efforts of even both governments. The constant friction between the treasury and army officials, the ever changing regulations supposedly to meet new conditions as the army advanced, the disorganization of the Confederacy as it was further pierced—these made a very distasteful trade situation in which the most brazen made the greatest fortunes.

Kentucky presented many difficulties to the Federal Government during the Civil war both commercially and politically. Although the state had refused to secede from the Union, still it did not by that action pledge its unquestioned support to the Federal authorities in whatever they should see fit to do. At least a half of her population were either openly arrayed against the Federal authorities or were sul-

<sup>86</sup> *Ibid.*, Vol. XXXI, Part 3, pp. 744, 745.

<sup>87</sup> *Official Records*, Series I, Vol. XXXI, Part 3, p. 834.

<sup>88</sup> *Ibid.*, Vol. XVII, Part 2, pp. 839, 840; Vol. XXVI, Part 2, pp. 418, 558; Vol. LII, Part 2, p. 701.

<sup>89</sup> *Official Records*, Series I, Vol. XXXIX, Part 2, p. 267.

lenly silent; and this was by far the more effective half. This very condition greatly multiplied the difficulties in dealing with the other half supposed to be loyal; for stern repression against a great part of the commonwealth was sure to have its reflex upon the loyal population. But just here the United States Government was in a dilemma. If it did not resort to stern measures the Confederate sympathizers would be certain to boldly aid the South; but if it did practice repression, it would largely alienate the whole state. It chose the latter method of dealing with the situation.

One of the prime tenets of the policy adopted was that the Confederate sympathizers should get as little comfort as possible out of the war. They were to be discriminated against in every way; and too often it was very difficult to draw the line between the Confederate sympathizers and the Union sympathizers. The Confederate sympathizers were forbidden to engage in any trade of any character through the refusal of agents to issue them permits, under which all trade must be carried on. In order to safeguard the rights to trade, the following oath was required: "I do solemnly swear that I have not by word or action given the slightest aid and comfort to the present rebellion, and that by my conversation and action I will do all I can to discourage and discountenance and overthrow the rebellion, and will use all my influence to restore the authority of the Government of the United States over the States now in rebellion."<sup>40</sup> It soon became necessary for a Kentuckian to establish his loyalty before he should be permitted to engage in commerce even locally within the state.<sup>41</sup> General Burnside issued an order prohibiting anyone disloyal to the Federal Government from shipping produce or goods of any kind, in, into or through the state.<sup>42</sup> Kentuckians establishing their loyalty might obtain permits for 20 cents each.<sup>43</sup> But the idea of permitting a Kentuckian to do what he considered himself always to have had a legal and constitutional right to do, seemed preposterous to him. It worked badly on all sides. Kentucky was made a region unto herself, although legally and constitutionally it was as much a part of the Union as Massachusetts. People were restricted in their trade with Kentucky just as if it were a part of the insurrectionary region. The Federal Government was always laboring under the apprehension that trade with Kentucky was very likely to develop into trade with the Confederacy. These trade restrictions were criticized by traders out of the state as well as in. Cincinnati protested against the petty oppressions of the system, while a storm of protest arose among Kentuckians.<sup>44</sup> Governor Bramlette bitterly denounced them in a letter to Lincoln: "The ordinary and necessary trade of the State is now, by military trade regulations, subjected to restrictions which harass the citizen without any compensating public good and which wears more the phase of subjecting the citizens to odious political tests than looking to the public good."<sup>45</sup>

Southwestern Kentucky was the first part of the state to fall under the yoke and here it fell hardest and remained longest. This region was undoubtedly the most sympathetic to the Confederacy. Columbus and Hickman were early occupied by Confederate troops, and then seized by the Federals. As has been noted before, trade with this part of the

<sup>40</sup> *Official Records*, Series III, Vol. IV, Part 4, p. 690.

<sup>41</sup> *Cincinnati Daily Commercial*, Nov. 14, 1862.

<sup>42</sup> Collins, *History of Kentucky*, I, 115, 138.

<sup>43</sup> *Cincinnati Daily Commercial*, March 31, 1862. This is the copy of a permit to people living out of the state to deal with persons in the state: "This is to certify that . . . . . of . . . . . County, State of . . . . . has permission to ship . . . . . out of and into the State of Kentucky." *Official Records*, Series III, Vol. IV, 690.

<sup>44</sup> This shows the unity of sentiment along both banks of the Ohio River.

<sup>45</sup> *Official Records*, Series III, IV, pp. 688-690.

state had been early put under the ban and for a time the people seem to have been cut off from all lines of supply and to have suffered genuine distress. Many of the business houses in Paducah were closed, and in Owensboro a majority of the leading merchants "are doing no business at all—some because they are known to be traitors, and therefore, can get no goods, and others, because they are afraid to lay in a stock. \* \* \*"<sup>46</sup> A report on this general region said, "There are now no groceries, no goods nor money, in our section of the State."<sup>47</sup>

When the Federal troops occupied this region, they interfered very little with the trade restrictions that had been placed upon it. It was still a no-man's land in the commercial field; steamers might not stop between Evansville (Indiana) and Paducah.<sup>48</sup> Ostensibly loyal men were allowed to engage in trade; but it was very difficult for a Kentuckian here to convince the Federal officers and agents that he was loyal. But despite rules and regulations, this region did trade, and it did it almost exclusively with the Confederates. For a time much material reached the South by being taken across the southern part of Illinois through Jonesborough and thence across the Mississippi River into Missouri and thence southward.<sup>49</sup> To break up this traffic Grant ordered all trade between Kentucky and Illinois stopped.<sup>50</sup> With this avenue cut off the resourceful traders resorted to trickery. Barrels and boxes containing one thing would be marked another. Grant said of a consignment of goods, "Eighty barrels of this freight were whisky; a character of commerce I would have no objection to being carried on with the South, but there is a probability that some barrels marked whisky might contain something more objectionable."<sup>51</sup> This freight was being taken directly down the river. An overland trade across the border into Tennessee also went on unchecked. A large amount of live stock was driven southward from Union, Crittenden, Graves, Marshall, Calloway, Trigg, Lyon, and Caldwell counties, and "Large quantities of salt, flour, coffee, sugar, leather, etc., are taken from Franklin south via Tyree Springs, by persons having no military permits to ship or take goods south."<sup>52</sup>

Early in 1864, the treasury ordered all restrictions removed from trade in Kentucky and Missouri. The Federal commander at Cairo immediately complained to Grant that "goods going from Cairo, Paducah, and Hickman will undoubtedly reach Tennessee if unrestricted, as I have not sufficient force to guard the whole border."<sup>53</sup> This order had its reflex, for it was soon charged that the railroads from Columbus to Union City (Tennessee) and from Paducah to Mayfield were being taken up to a great extent in transporting goods to the Confederacy and especially to Forrest's cavalry which were in this region at this time.<sup>54</sup> The Federal commander at Cairo said of this trade, "For the past few months the interior of Western Kentucky has been filled with warlike stores and army supplies of every kind."

"The loose administration of Treasury regulations, the complicity of both Treasury and Army officers, have given free course to this infamous traffic."<sup>55</sup> The Union League of America at Paducah protested that the "Rebels are doing all the business, and they are reaping

<sup>46</sup> *Cincinnati Daily Commercial*, Dec. 2; October 29, 1861.

<sup>47</sup> *Ibid.*, Dec. 14.

<sup>48</sup> *Cincinnati Daily Commercial*, Oct. 29, 1862.

<sup>49</sup> *Official Records*, Series I, Vol. VII, pp. 510, 511.

<sup>50</sup> *Ibid.*, 449.

<sup>51</sup> *Ibid.*, Vol. VIII, 404.

<sup>52</sup> *Ibid.*, Vol. XX, Part 2, p. 172; Vol. VII, 472; *Cincinnati Daily Commercial*, Dec. 5, 1861.

<sup>53</sup> *Official Records*, Series I, Vol. XXXII, Part 2, p. 427.

<sup>54</sup> *Ibid.*, Part 1, p. 512.

<sup>55</sup> *Ibid.*, Part 3, p. 233.

all the advantages of trade."<sup>56</sup> As a last resort to effectually stop this commerce, the Federal commander at Cairo, on his own authority, on April 2, 1864, issued a general order forbidding steamers to land between Paducah and Memphis. The use of all ferry boats, trading boats, skiffs, or other irregular crafts was forbidden on this part of the river; and all trains out of Columbus and Paducah were prohibited except for military purposes.<sup>57</sup> On April 13, the following treasury order tardily followed, "All trade in arms and munitions of war in Kentucky and on the Mississippi River below Cairo is hereby prohibited."<sup>58</sup> Southwestern Kentucky was in fact sending to the Confederacy much commerce which could not have originated with her. The only conclusion is that these commodities came originally from the North and that this region was an important link in an illicit trade from the North to the Confederacy, that was never completely broken up.

The Cumberland and Tennessee rivers, running into the Ohio through Western Kentucky were also important highways to the Confederacy. Commerce on these rivers was never completely sealed, even by orders. In November of 1861, a steamer and barge in two were allowed to pass up into Tennessee, as they bore the seal of the custom house inspector. Although loaded with cotton mill machinery, it was given permission to proceed, since it was consigned to "Union men."<sup>59</sup> The Upper Cumberland, which flows into Southern and Western Kentucky after making its great bend into Tennessee, was used by the Confederates for getting out coal and salt, until the fall of Nashville.<sup>60</sup> By the middle of March, 1862, the Federal troops, having taken possession of Northwestern Tennessee, opened up traffic to Nashville, placing it in the hands of treasury officials.<sup>61</sup> The people on the Upper Cumberland were notified, "that they can ship coal and produce to Nashville, and find a market there."<sup>62</sup> Much tobacco found an outlet this way.<sup>63</sup> A typical news item in the *Louisville Journal* said, "The Commodore Perry passed up yesterday from the Cumberland with a heavy cargo of tobacco."<sup>64</sup> Halleck encouraged steamers to take goods up to Nashville as a ruse to get steamboats for a military move up the river.<sup>65</sup> On June 21, 1862, the Tennessee River was also opened to trade under licenses from the custom house inspectors. As in all other trade going south, contraband of war was excluded.<sup>66</sup> But the eternal question with the army officers and custom house officials was what contraband included. All seemed to know that "family and plantation supplies" should go.<sup>67</sup> And it was generally believed that "boots, shoes, blankets, woolen socks, leather of all descriptions, medicines, gray and mixed woolen cloths, and jeans, and all descriptions of saddlery" should be stopped.<sup>68</sup> Grant was very much opposed to this trade, as, indeed, he was with all trade in the wake of the army. He seems to have become disgusted with the whole business and ordered the Federal commander at Nashville to take no trouble about going to Kentucky, as the treasury officials were supposed to manage the trade of this region.<sup>69</sup> But this trade

<sup>56</sup> *Ibid.*, Vol. XXXIX, Part 2, p. 171.

<sup>57</sup> *Official Records*, Series I, Vol. XXXII, Part 1, p. 515.

<sup>58</sup> *Ibid.*, Vol. XLI, 535.

<sup>59</sup> *Cincinnati Daily Commercial*, Nov. 25, 1861.

<sup>60</sup> *Ibid.*, Jan. 16, 1862.

<sup>61</sup> *Ibid.*, March 8, 1862.

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*, June 24, 1862; *Official Records*, Series I, Vol. X, Part 2, p. 74.

<sup>64</sup> April 21, 1862, quoted in *Cincinnati Daily Commercial*, April 22.

<sup>65</sup> *Official Records*, Series I, Vol. X, Part 2, p. 18.

<sup>66</sup> *Ibid.*, Vol. XVII, Part 2, p. 21.

<sup>67</sup> *Official Records*, Series I, Vol. XXXI, Part 3, p. 304.

<sup>68</sup> *Ibid.*, Vol. XXXII, Part 2, p. 137.

<sup>69</sup> *Ibid.*, 453.

was never freed from suspicion. A military officer wrote Sherman, "There is something wrong about these trading boats that run up the Tennessee River. The rebels never take them except when they want to cross a few men, and let them go, and a week or two afterwards the boats report the facts at Paducah. If half the stories I hear of them are true, they are continually violating the trade regulations, and, whether they do or not, they cannot expect to trade with any one but rebels in that country."<sup>70</sup>

The commercial welfare of the state lay not only with external regions; it was first concerned with internal conditions. In the early part of the war, the Confederate armies were in control of much of the state, from which they were largely provisioned and equipped. But they were soon pushed far to the south, and although still provisioned to a considerable extent from Kentucky stores, they escaped the denunciations heaped upon occupying armies. After the first year of the war, the Confederates occupied the state in force only for short periods, as in the case of Bragg and Kirby Smith's invasion of 1862; or engaged in smaller raids, as those by John Morgan. In the occupation of 1862, the Confederates for a short while controlled large parts of the state, and took full advantage to replenish their stores as far as possible.<sup>71</sup> However, they attempted to carry out their operations in an orderly way, so as not to alienate Kentucky opinion. In pursuance of this policy Kirby Smith issued the following proclamation, "I shall enforce the strictest discipline, in order that the property of citizens and non-combatants may be protected. I shall be compelled to secure subsistence for my troops among you, and this shall be paid for."<sup>72</sup> In Lexington, alone, the Confederates bought 7,000 barrels of pork and \$90,000 worth of clothing. For this and all other purchases, they paid the Confederate script. As a result Confederate script came to be used rather extensively for a time in commercial transactions,<sup>73</sup> until in April, 1863, General Burnside ordered the arrest of anyone dealing in this kind of money.<sup>74</sup> Even with their raiding parties driven out, the Confederates managed to obtain considerable amounts of provisions until the collapse of the Confederacy.<sup>75</sup>

The Union armies operating in or near the state also obtained large supplies from Kentucky storehouses. Vouchers were given promising payment later, if the loyalty of the holders could be established.<sup>76</sup> This was used as a threat against lukewarm Union supporters aiding the Confederacy in the future, and a punishment for those who were already guilty of disloyalty. Only those professing their loyalty were given army contracts or work connected with them.<sup>77</sup> These measures produced the bitterest resentment and widespread confusion, as their practical result was the confiscation of large amounts of material. In the spring of 1862, large army bases were established at Lexington and Richmond, with thousands of men engaged in hauling stores.<sup>78</sup> Many, who no doubt were unable to obtain contracts for themselves, saw money-making subordinated to patriotism. One of those who was either disgruntled or strongly patriotic asked, "Is this a peoples' war for the Union, for the maintenance of our country, and those principles upon which this Republic was first established? or is it a contractors' and

<sup>70</sup> *Ibid.*, Part 3, p. 150.

<sup>71</sup> See Collins, *History of Kentucky*, I, 113.

<sup>72</sup> *Cincinnati Daily Commercial*, Sept. 5, 1862.

<sup>73</sup> *Cincinnati Daily Commercial*, Sept. 16; Oct. 25, 1862.

<sup>74</sup> Collins, *History of Kentucky*, I, 122.

<sup>75</sup> *Ibid.*, 347.

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*, 133.

<sup>78</sup> W. H. Perrin, *History of Fayette County, Kentucky* (Chicago, 1882), 455; *Cincinnati Daily Commercial*, Sept. 1, 1862.



brass button war, for the benefit of unscrupulous money makers and Brigadier-Generals?"<sup>79</sup>

Some effort was made to direct the use of materials where they could be best used. In 1863, General Boyle, in command of the Kentucky region, ordered the distillers of Bourbon and Harrison counties to deliver the corn they had purchased to the quartermaster, and forbade them to purchase more.<sup>80</sup> In the early part of the next year the distillation of corn was prohibited throughout the state. But the opposition aroused was so strong that the order was later revoked.<sup>81</sup>

Kentuckians were by no means pleased with those who were stripping their state of its provisions, and most of this anger went out against the Federal authorities as they were in control and were, therefore, chiefly responsible. As noted heretofore, the Confederates were never in the state long enough to incur the enmity of the people to a great extent by seizures, and the provisions that they continued to receive were obtained through trafficking and bargaining and not through the requisitions of an occupying army. The *Louisville Journal* bewailed the spoliation of the state by the Union military authorities: "Hundreds of drovers are daily driving off our horses and cattle and hogs, and almost interminable trains of wagons are hauling away our bacon and pork and all kinds of breadstuff. \* \* \* The genius of starvation that has been stalking grimly among rebel armies and rebel citizens, may haunt our own homes."<sup>82</sup> Governor Robinson saw something more than hunger staring the people in the face. The sovereignty of Kentucky had been invaded; and the state was being treated as a conquered province. Instead of allowing the Kentucky farmer to bargain and traffic with the armies, as was the case north of the Ohio River, the Federal authorities took what they wanted and left worthless vouchers. He bitterly resented this wholesale plundering of the state.<sup>83</sup> In 1864, the Legislature called upon the state's congressmen at Washington to press the claims of the Kentucky farmers for damages done by the Federal armies.<sup>84</sup>

In line with this general policy of requisitioning stores and provisions at the will and convenience of the Federal military authorities was the so-called "hog frauds" and "hog orders," which gravely agitated the state for a time. On October 28, 1864, Major-General Burbridge, in command of Kentucky, issued an order, which seemed innocent enough. All persons having hogs for sale were asked to sell them to government agents, who would pay "a fair market value." There was no intention of limiting the "amount deemed necessary to be packed for family use, but it is hoped that all will willingly sell to the Government any excess of personal wants, and not allow so much to be packed in the country as to invite raids for its capture." The details of this business were left to Maj. H. C. Symonds, the commissary of subsistence of the army.<sup>85</sup> Symonds immediately taking it upon himself to gather up a large number of hogs issued an order stating that he would receive droves of fifty or more and would pay a "just and fair market rate, as may be deemed proper from day to day." He declared he was making no threats of impressment, but he hoped all would see fit to sell, and that when contracts were made they would have to be carried out. The Government had the first claim, he continued,

<sup>79</sup> *Ibid.*, Jan. 10, 1862.

<sup>80</sup> Collins, *History of Kentucky*, I, 128.

<sup>81</sup> *Ibid.*, 130, 131.

<sup>82</sup> Oct. 4, 1862, quoted in *Cincinnati Daily Commercial*, Oct. 6, 1862.

<sup>83</sup> In message to the Legislature, January 8, 1863, in *Cincinnati Daily Gazette*, Jan. 9, 1863.

<sup>84</sup> *Acts of Kentucky*, 1863, p. 141.

<sup>85</sup> Collins, *History of Kentucky*, I, 144.

and he would "take steps to secure such results."<sup>86</sup> To carry out his policy agents were appointed for the congressional districts and "no hogs will be allowed to be taken out of the district by any one but agents." All other markets were completely prohibited. The Cincinnati market was closed by an order threatening confiscation of all hogs driven toward the Ohio River, and the arrest and detention of the owners.<sup>87</sup> Louisville buyers, according to Governor Bramlette, "were warned off under threats of arrest and confiscation \* \* \*."<sup>88</sup> As the price paid by the Government agents was much lower than the market price, the farmers lost on an average of \$5 on the head.

Soon the most intense excitement was aroused over these proceedings. Governor Bramlette sought relief from President Lincoln, while the farmers began to refuse to sell to the agents.<sup>89</sup> Finally on November 27, Burbridge issued this order, "All orders from these headquarters affecting the hog trade in Kentucky are revoked."<sup>90</sup> But during only one month of this collusion between speculators and dishonest Government agents, 60,000 hogs had been bought up and the farmers cheated out of large sums of money. Governor Bramlette said, "The hog swindle was promptly ended, but not until the farmers had sustained losses to at least \$300,000; yet in time to save them the loss of over one million dollars."<sup>91</sup> It was due to President Lincoln's interference that this speculation was finally broken up.

During the latter period of the war the most minute regulations were set up to govern commercial intercourse, locally as well as otherwise. "Boards of trade" were appointed in every congressional district, on the authority of the military officers alone, which for certain fees "were to pass upon and determine who should buy and sell, not only in the ordinary course of trade, but for family supplies. As administered in Kentucky, it was a most shameful and corrupt system of partisan political corruption and oppression."<sup>92</sup> These boards became dictatorial in the smallest detail. The *Maysville Bulletin* which had incurred the displeasure of a board of trade was not allowed to purchase white print paper. But rather than suspend, for a time it used wrapping paper.<sup>93</sup> The *Frankfort Commonwealth* claimed that "Hundreds—we may say thousands—of persons had paid to the Revenue Collector in Ky. a license tax to transact for twelve months a particular kind of business, who were refused a permit by these boards."<sup>94</sup> These petty regulations were often used for partisan political ends.<sup>95</sup> Bound up with this system of "boards of trade" were the provost marshals. Of these a contemporary said, "Kentucky endured far more outrage from the acts of the Federal provost marshals than they did from all the acts of legitimate war put together."<sup>96</sup>

Southwestern Kentucky suffered most from dishonest manipulations

<sup>86</sup> *Ibid.*, 145.

<sup>87</sup> Collins, *History of Kentucky*, I, 144; *Acts of Kentucky*, 1863, p. 11 for Bramlette's message to the Legislature, January 4, 1865, containing his observations on the affair.

<sup>88</sup> Collins, *History of Kentucky*, I, 153.

<sup>89</sup> *Ibid.*, 144, 145.

<sup>90</sup> *Ibid.*, 145.

<sup>91</sup> In message to Legislature, January 4, 1865, in *Senate Journals*, 1865, p. 12.

<sup>92</sup> *Ibid.*, 11.

<sup>93</sup> Collins, *History of Kentucky*, I, 143.

<sup>94</sup> Quoted in Collins, *History of Kentucky*, I, 156.

<sup>95</sup> Bramlette wrote to Lincoln November 14, 1864: "I regret that General Burbridge is pursuing a course calculated to exasperate and infuriate, rather than pacify and conciliate." "This system inaugurated by him of trade permits, has been most shamefully carried out in some places. Although his published orders seem fair enough, yet the manner of its execution revolts the public sense. \* \* \* Many loyal men are driven out of business after having paid the tax and obtained a license, and for no other reason than their political preferences." *Ibid.*, 147.

<sup>96</sup> Shaler, *Kentucky*, 353.

of trade regulations. Toward the end of the war, when guerrillas infested the region, the military commander of the district decided to make the inhabitants responsible for the guerrilla depredations. He forbade anyone shipping cotton or tobacco out or bringing any supplies in, until the people of the district had driven out completely the guerrillas.<sup>97</sup> In July of 1864, E. A. Paine was placed in command of this region, with headquarters at Paducah. He succeeded in winning the bitterest ill-will of the Kentuckians, which lasted long in their memory. He announced that only loyal people would be allowed to trade, and decided he would carry it out by levying a tax of \$10 on every hogshead of tobacco or bale of cotton, and a tax assessment of 25 per cent ad valorem on all cotton which had ever been the property of a disloyal person. And "heavy sums were paid for permits, which, if admissible, should have freely been granted, and, if improper, should have, of course, been refused."<sup>98</sup> Bank checks were not to pass and be paid unless approved by Paine or his agents, and for doing this a fee of 50 cents was collected on every check. A standing charge of 10 cents was made on all letters, newspapers, or packages that were allowed to leave Paducah. In some instances 50 cents was exacted from soldiers for the permission of sending letters to their families.<sup>99</sup> Paine should not be condemned so much for making the life of the disloyal difficult, but rather for enriching himself at the expense of the loyal and disloyal alike, and completely upsetting the commercial relations of the region.

The successive military raids into the state had their reflection in the commercial organization of the people. The rivers of the state afforded important highways for many areas as well as important facilities for the Federal armies in transporting their provisions.<sup>100</sup> The destruction of this trade attracted Confederate raiding parties, and raiders bent on other purposes always found time to disorganize as far as possible this traffic. The locks that made many of the rivers navigable were special objects for destruction.<sup>101</sup> Steamers were easy prey.<sup>102</sup> This practice became so uncomfortably common on the Lower Ohio, Cumberland, and Tennessee rivers, that the Federal Government was forced to resort to a river patrol of gunboats.<sup>103</sup> These boats generally were protected with iron plates. Forrest's raiders were particularly troublesome on the Mississippi River below Columbus (Kentucky).<sup>104</sup> For a time steamers operated on the Tennessee under the convoy system.<sup>105</sup> In 1863 Morgan's raid caused a suspension of river traffic between Louisville and Cincinnati, until special patrol service could be organized.<sup>106</sup>

The Louisville and Nashville Railroad, which had been of great value during the summer of 1861 to the Confederates, later became to them an object for destruction. Immediately after it had been closed by the Federal authorities at Louisville, Gen. Simon B. Buckner, in command of the Confederate forces around Bowling Green, seized eleven locomotives, ninety-four box cars, fifty-four flat cars, and various other kinds of railway equipment and supplies. The damage done

<sup>97</sup> Collins, *History of Kentucky*, I, 134.

<sup>98</sup> Reports of legislative investigation committee in *Senate Journals*, 1865, pp. 26, 27.

<sup>99</sup> *Ibid.*, 28.

<sup>100</sup> "Special Report of the Board of Internal Improvement to the General Assembly of Kentucky" in *Documents*, 1864, No. 17, pp. 1-7.

<sup>101</sup> "Special Report of Board of Internal Improvement to the General Assembly of Kentucky" in *Documents*, 1864, No. 17, pp. 10-15. *Cincinnati Daily Commercial*, Sept. 13, 1862.

<sup>102</sup> *Ibid.*, Aug. 28, 1861.

<sup>103</sup> *Ibid.*, Nov. 25, 1861.

<sup>104</sup> *Official Records*, Series I, Vol. XXVI, Part 1, p. 862.

<sup>105</sup> See *Ibid.*, Vol. XXXI, Part 1, p. 798.

<sup>106</sup> *Cincinnati Daily Commercial*, July 11, 1863.

the railroad throughout the war amounted to over a quarter million dollars.<sup>107</sup> This road was the object of successive raids throughout the war.<sup>108</sup>

In order to cope with these raids and other situations that arose, martial law was declared in July, 1863.<sup>109</sup> This further disorganized the commercial affairs of the people. In order that raiding parties might not be attracted by large stores of provisions, the Federal Treasury agents gauged the amount of merchandise of all kinds that should be allowed to go to certain towns. Only \$34,000 worth was permitted monthly for Lexington and Fayette county. No merchant was allowed to engage in the wholesale business or to have more than two months' supplies on hand at any time.<sup>110</sup> During certain times of danger all Lexington business was ordered closed at four in the afternoon in order to give the citizens an opportunity for military training.<sup>111</sup> Bragg's invasion of the state in 1862 had shown how easy it was for the Confederates to strip the country of provisions. An observer declared that two and a half days were required for his retiring army train to pass a given point.<sup>112</sup>

Boards of trade and their permits, Confederate raids, and the various machinations of provost marshals, all had their reflex in the commercial life of the people; but one of the best barometers of commercial conditions was Louisville, their chief city. Here the war was ushered in with a highly stimulated trade to the south. The vicissitudes of the city's commercial condition were in many respects those of the state at large. When the Federal trade restrictions had been drawn tighter about the city's trade going south, by sealing the Louisville and Nashville and requiring permits for steamers going down the Ohio, Louisville was faced with commercial depression if not disaster. One much interested in her trade said, "If travel on the Ohio river is to be stopped, or its navigation suspended, a few days' notice ought to be given, so we may have a little time to close up our business, fold our arms and die gracefully."<sup>113</sup> The river business was soon so crippled and disorganized that a river report could say in October of 1861, "Our wharf, in a business point of view, presents a very disconsolate appearance."<sup>114</sup>

But the city did not fold its "arms and die gracefully." There was always a certain amount of traffic going south, which seemed very considerable to those who were trying to stop it.<sup>115</sup> By the beginning of 1862 prosperity was returning to the city, as great as had ever been enjoyed before, but of a different kind. With the arrival of large Federal forces in Kentucky, Louisville came to be the most important army base in this region, where much material was disembarked and distributed. Her property was now bound up with military operations; her wharfs took on an animated appearance, groaning under Government business. Army wagons, horses, ambulances, and all sorts of munitions and equipment filled all available space.<sup>116</sup> Steamers, idle since the beginning of the war, were now put into Government service,

<sup>107</sup> *Annual Report of the President and Directors of the Louisville and Nashville R. R. Company, commencing on the First of October, 1860, and ending on the Thirtieth of June, 1861* (Louisville, 1861), pp. 75-79.

<sup>108</sup> *Cincinnati Daily Commercial*, Jan. 4, March 27, 1862.

<sup>109</sup> *Ibid.*, July 31, 1863.

<sup>110</sup> Collins, *History of Kentucky*, I, 124.

<sup>111</sup> *Cincinnati Daily Commercial*, Aug. 27, 1862.

<sup>112</sup> *Ibid.*, Nov. 8, 1862.

<sup>113</sup> *Cincinnati Daily Commercial*, Nov. 16, 1861.

<sup>114</sup> *Ibid.*, Oct. 31, 1861.

<sup>115</sup> *Ibid.*, Nov. 9, 1861. General Anderson called a meeting of the merchants at which it was resolved that this traffic ought to be stopped.

<sup>116</sup> *Cincinnati Daily Commercial*, Oct. 2, Nov. 9, 1861.

and the river business again revived. Now an example of river news was, "The *Ida May* arrived at Nashville on Tuesday with Government stores and a barge of hay."<sup>117</sup> Prosperity trickled down to the lowest workman, and Louisville began to forget her former liking for Southern markets. Of this sudden prosperity, a special correspondent of the *Cincinnati Daily Commercial* wrote, "The immense distribution of army stores gives employment to a very large number of men, and contributes much toward the relief of the poorer classes of our people. Many of our business men are also coining money by supplying the many necessities of the large army now within the State."<sup>118</sup>

With this rather sudden readjustment of her commercial life, Louisville began to take on some of the appearances of her *antebellum* days. To provision the large armies that had entered the state, an important trade grew up with the regions up the Ohio, and an intensified commerce sprang up on the rivers of the state. Apparently the only limits set to this commerce was the scarcity of steamers.<sup>119</sup> Wheat, corn, fruits, oils, salt, and many other commodities were brought down to Louisville. And by the summer of 1862, when the regions far into Tennessee had been cleared of the Confederate armies, a great expansion of trade with the Tennessee regions took place.<sup>120</sup> In fact the city came to do a very substantial part of her business in this region before the end of the war. A river report in May, 1862, said, "The limited wharf \* \* \* was completely blockaded with the tobacco, cotton, and corn brought up from below by the Henderson and Cumberland river boats."<sup>121</sup> A considerable amount of cotton came out of the South up through Tennessee and to Louisville. In passing out forty bales on a Louisville steamer, Grant admitted that he knew that seventeen bales belonged to a secessionist, but excused his action on the ground that "There is no evidence \* \* \* of his having given aid and comfort to the enemy \* \* \*." <sup>122</sup> Cotton was at this time 80 cents a pound in Louisville.<sup>123</sup>

The city received also large numbers of contracts awarded for the armies in the West.<sup>124</sup> Even after the forces had advanced far beyond Kentucky, Louisville contractors continued to furnish provisions for the Federal troops. Grant's armies in Arkansas, Tennessee, and Mississippi, were furnished with 200 head of cattle daily through contracts let in Louisville.<sup>125</sup> Pork packing was being carried on extensively, with a Government contract in 1864 of 100,000 hogs being filled.<sup>126</sup> For her regular business she slaughtered over a thousand daily.<sup>127</sup> Louisville was the center for the tobacco trade of all the states toward the westward and for much of Tennessee.<sup>128</sup>

There were, thus, two general aspects to Kentucky's commercial

<sup>117</sup> *Louisville Journal*, April 3, 1862.

<sup>118</sup> Dec. 23, 1861.

<sup>119</sup> *Cincinnati Daily Commercial*, Oct. 16, 23, *passim*, 1861. A line of steamers was now being run to Pittsburg under an agreement with the Pennsylvania Railroad Company. *Ibid.*, Oct. 24, 1861. By the summer of 1862, the Government was beginning to release some of the privately-owned steamers, as indicated in the following news item in the *Louisville Journal* April 3, 1862, "The John Raine, Atlantic, and Switzerland have returned from the waters of Tennessee, having been discharged from the Government service."

<sup>120</sup> *Cincinnati Daily Commercial*, Oct. 24, 31, Nov. 21, 1861.

<sup>121</sup> *Louisville Democrat*, May 3, 1862; *Cincinnati Daily Commercial*, April 23, 1862.

<sup>122</sup> *Official Records*, Series I, Vol. X, Part 2, p. 80.

<sup>123</sup> *History of the Ohio Falls Cities and Their Counties*, I, 327.

<sup>124</sup> *Cincinnati Daily Commercial*, Dec. 30, 1861; June 14, 1862.

<sup>125</sup> *Ibid.*, Nov. 5, 1862.

<sup>126</sup> Collins, *History of Kentucky*, I, 145.

<sup>127</sup> *Cincinnati Daily Commercial*, 5, 8, 24, *passim*, 1862.

<sup>128</sup> *Ibid.*, Nov. 1, 1862; Collins, *History of Kentucky*, I, 145.

relations during the war. There was the commerce within the state itself, and there was the growing market to the south as the armies opened up the way. On July 4, 1863, came the Federal victory at Vicksburg, which was much more significant to the whole Mississippi Valley for its commercial importance, than for any bearing that it had upon military affairs. When Port Hudson fell four days later, a tremendous change had been worked in the commercial situation of the valley. It meant that the Mississippi was now open from its source to the sea. With President Lincoln the whole valley could now rejoice that the "Father of Waters" rolled unvexed to the sea. Those who had been so agitated by the apprehended closure of the river in 1861, now saw the great highway again opened to their commerce.

The pressure brought to bear against the military authorities for opening at once this trade, was equally as vexatious to them, as was the cotton trade, which they had inveighed against so much. Before the fall of Vicksburg, the Mississippi had been used both above and below this fortress and the evils of this restricted trade had been seen in their worst aspects. Repeated efforts had been made to confine this trade within restricted channels, but with little success. Grant had prohibited "all trading and trafficking or landing of boats" south of Memphis, except at military posts.<sup>129</sup> But under the guise of stopping at wood-yards to take on fuel, the steamers had engaged in illicit commerce in cotton and contraband with Confederates and guerrillas.<sup>130</sup> The Federal commander at Memphis charged that the bayous and creeks were teeming with trading steamers, which "invites rebel officers and soldiers on board, and drink and hobnob together."<sup>131</sup>

On September 3, 1863, the through commerce between New Orleans and the Upper Mississippi, Missouri, and Ohio rivers, was "declared free of any military restrictions whatever."<sup>132</sup> By July 22, through traffic had been permitted under restrictions.<sup>133</sup> The *Louisville Democrat* on that date said, "With a warm glow of satisfaction we inform the public that a boat is loading for New Orleans. \* \* \* This day's dawn will break with additional splendor in the Valley of the Mississippi." On July 23, the first steamer arrived at Memphis, and soon many markets in the South were opened again.<sup>134</sup> The New Orleans trade assumed its former characteristics for Louisville when the first cargo of sugar and molasses arrived at the Kentucky port on December 24.<sup>135</sup>

But the opening of the Mississippi did not mean the unrestricted trade with all the accessible regions of the South, at least so far as laws and regulations were concerned. The act of Congress of July 2, 1864, would grant permits to supply the necessities of loyal persons only. According to the regulations, "\* \* \* No goods, wares, or merchandise shall be taken into a State declared in insurrection, or transported therein, except to and from such places and to such monthly amounts as shall have been previously agreed upon in writing by the commanding general of the department in which such places are situated, and an officer designed by the Secretary of the Treasury for that purpose."<sup>136</sup>

With the final collapse of the Confederacy, by a series of executive orders and proclamations every vestige of rules and restrictions on trade was removed. On April 29, 1865, all restrictions on trade east of the

<sup>129</sup> *Official Records*, Series I, Vol. XXIV, Part 3, p. 49.

<sup>130</sup> *Ibid.*, Vol. XXXI, Part 3, p. 361.

<sup>131</sup> *Ibid.*, Vol. XXXIX, Part 2, p. 27.

<sup>132</sup> *Official Records*, Series I, Vol. XXIV, Part I, p. 715.

<sup>133</sup> *Cincinnati Daily Commercial*, July 25, 1863.

<sup>134</sup> *Ibid.*, July 27, 1863.

<sup>135</sup> Collins, *History of Kentucky*, I, 129.

<sup>136</sup> *Official Records*, Series III, Vol. IV, 721-723.

Mississippi River were taken off except in contraband of war; and on June 24, this order was extended to the regions west of the Mississippi. On August 29, the last restriction was removed, and the country was now a unit again in all its trade relations with every section.<sup>187</sup>

Throughout this whole period Kentucky had occupied a rather anomalous position. Her government did not secede from the Union, yet at no time was she free from friction with the Federal authorities. With a very considerable part of her population fighting for the Confederacy or openly sympathetic to it, the state became badly torn within. And before the end of the struggle the forces of opposition to the Federal authorities had gained the ascendancy. The commercial treatment of the state played no small part in producing this result. Kentuckians saw their smallest details of life interfered with. Boards of trade assumed to regulate the minutest relations in the commercial transactions. Permits to trade were required from all, and were withheld from large numbers who refused to take an oath and prove their loyalty. Frauds and irregularities on the part of Federal officers served to further alienate the Kentuckians. An occupying army incurred all the odium that invariably falls to its lot. But the problems of the Federal authorities were by no means simple. They had to deal with a divided people, who were very sensitive to any move that bore the aspect of a violation of their constitutional rights. The Federal officers could deal either cautiously, and, perhaps, imperil their armies to the southward, or they could proceed with a strong hand and arouse the united opposition of the whole state. The general regulations set up for commercial intercourse with the conquered areas produced endless trouble and vexation for the Federal commanders trying to carry out military operations, without opening up any important markets in which Kentuckians might trade with any degree of freedom. Their southern market, as it existed before the war, could not be restored until the whole country was pacified. Any hopes that these regulations held out in that direction were illusive. The end of the war found the state impoverished economically and commercially. A different South now sprang into being in which different methods had to be employed in reestablishing old trade connections.

<sup>187</sup> *Ibid.*, Series I, Vol. XLIII, Part 2, p. 860; Series III, Vol. V, 103-105







DON. CARLOS BUELL. BORN MARCH 13, 1818. DIED NOV. 19, 1898  
(From Rother's History of Muhlenberg County)

## CHAPTER LXIII

### CIVIL AND MILITARY AFFAIRS DURING THE WAR

Although neutrality had been a natural and logical product of the state's past, it soon developed into an armed peace between the Union and Confederate sympathizers. The Union leaders consented to it, because they perceived the great mass of the people were not willing to make war on the South under conditions existing at that time and because they saw the strong Union element that was ready to follow President Lincoln in any action unarmed and powerless. To them neutrality was desirable because it gave time to arm themselves. The strong Southern sympathizers, having failed to take the state out of the Union, agreed to neutrality because it seemed better than open aid and support to the North. During this period they would also arm themselves and secure, if possible, a position of power in the state, through which they might drive the state to the South, or at least prevent it from aiding the North.

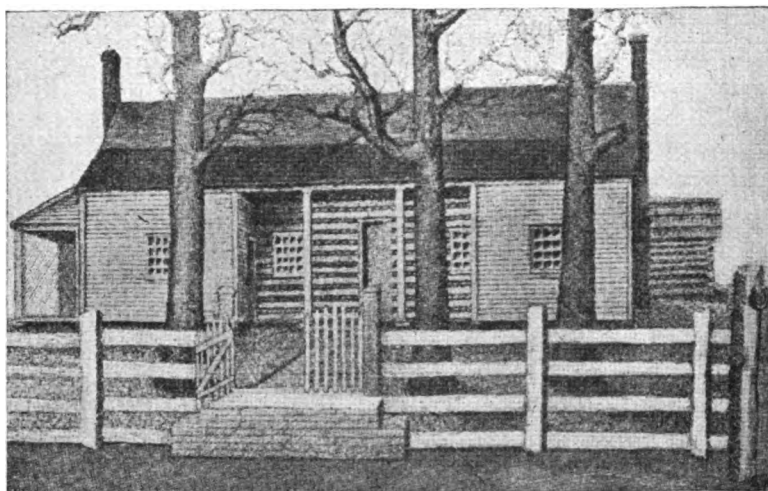
The latter element held the advantage at the outset of controlling the executive department and the military forces of the state. Governor Magoffin was strong in his sympathy for the South, though not to the point of forcing the state out of the Union without legal formalities. Simon B. Buckner, inspector general of the militia, passionately hoped to make Kentucky a member of the Southern Confederacy. His position and power were so great as to give him reasonable grounds for believing he might realize this hope. The militia laws of the state had been completely rewritten in 1860, largely through his inspiration, and on his appointment to the head of the system as inspector general, he had set about welding the people of the state into a strong military force.<sup>1</sup> By the beginning of 1861 he had sixty-one companies organized. His well-known views of the questions of the day and his ability as a military leader and organizer made him an object of fear and dread to the Union leaders.

The rising power of the Unionists soon made it possible for them to wrest control of the military forces from the governor and to enter on a program of mobilization of Union troops and munitions of war. On May 10 a conference was held among the different party leaders, resulting in an agreement which was incorporated in a law on May 24. By this act a Military Board of five persons was set up and the members designated, of whom the governor was one. This board was given the power to borrow over \$1,000,000 with which to arm the state. It was also provided that troops might be organized for home defense, known as Home Guards, but not in the actual military service. These guards were to be given one-half of all arms bought by the state. These were an anomalous sort of semi-military organization, the members of which were not to be excused from duty in the militia if called upon.<sup>2</sup> The direct reason for the organization of the Home Guards was to provide a Union military force to offset the State Guards, who were under the influence of Buckner and therefore, for the most part, Southern sympathizers.

<sup>1</sup> *Acts of Kentucky*, 1859, chapter 1332; *Documents*, 1861, II, 9-12.

<sup>2</sup> *Acts of Kentucky*, Special Session May 6-24, 1861, p. 5, 6.

The Union leaders now began to work with great vigor to build up a strong force in the state, with the Home Guards as nuclei. If arms could be had in sufficient quantities, it was their belief that a Union force could be built up which could soon defy all Southern sympathizers and forcibly line the state up with the Federal Union. William Nelson, a lieutenant in the navy, conceived the plan of shipping arms in to the Union men, had an interview with the President in May, and was promised 5,000 muskets with bayonets and ammunition. These arms were sent to Cincinnati, from whence they were distributed to numerous counties. The central Blue Grass counties were supplied through shipments down the Kentucky Central Railroad; the counties to the west by consignments to Louisville; and the counties in the east were armed by shipments to Maysville. By the first part of June all these muskets had been delivered, and another 5,000 were secured and were in the process of being delivered.<sup>3</sup> These muskets were given only to "true, faithful and reliable Union men." The partisan nature of these operations caused



BIRTHPLACE OF JEFFERSON DAVIS, NEAR HOPKINSVILLE

many people to feel that neutrality was being sadly abused, and open clashes in making the delivery of these so-called "Lincoln Guns" was narrowly averted.

The arming of these troops was only a part of the plan to hold Kentucky true to the Union. Camps must be established and training given them. In fulfillment of this need, Camp Dick Robinson was set up on the edge of the eastern mountains in Madison County directly after the August election. Immediately recruits began to pour in from all directions. Many came in from the mountains of the eastern part of the state and from Tennessee.<sup>4</sup> Long before the opening of Camp Dick Robinson, recruiting for the Federal service had been opened on the borders of the state, but not within, due to Lincoln's fear of exciting the Kentuckians. Maj. Robert Anderson, of Fort Sumter fame, began recruiting in Cincinnati; another station was established opposite Louisville and called Camp Jo Holt. It was very evident that the Union leaders were carrying forward their work actively and successfully. Gov-

<sup>3</sup> Daniel Stevenson, "The Lincoln Guns" in *Magazine of American History*, X, 1883, pp. 115-138.

<sup>4</sup> *Cincinnati Daily Commercial*, September 3, 1861.

ernor Magoffin and many others believed that neutrality was becoming a farce under such circumstances. The governor sent a commission to Washington to demand the removal of Camp Dick Robinson, but was told by President Lincoln that the force there was made up of Kentuckians and was organized at the extreme solicitation of Kentuckians and that he could not consent to its removal.

The Confederate sympathizers were not without their plans and activities. They set up recruiting stations on the borders in Tennessee, the most important of which was Camp Boone. In some of the counties groups of Southern sympathizers spontaneously arose and marched away to the Confederate service, as for example a company of 100 under Capt. Joe Desha in Harrison County.<sup>5</sup> But the elections of 1861, whatever their exact meaning was, showed at least that Kentucky was not willing to join the Confederacy. Conditions were becoming intolerable for both sides, and it was only a matter of time, it seemed, until neutrality would fall of its own weight and the state would be forced to take a position for one side or the other, whether it desired to or not. The Confederates had been watching the state very closely, realizing the great advantage they would have if they could hold the Ohio River frontier. They saw strong Union forces encamped in Ohio, Indiana and Illinois able at any moment to cross the river, and especially menacing did Grant seem opposite Paducah. Believing that the time was now ripe for decisive action, on September 3, hurriedly marching up from Tennessee, they occupied Columbus and Hickman. Soon afterwards a column of Confederates entered the state from East Tennessee, and a general movement was on to press the whole line from east to west up toward the Ohio. The Federals were not caught napping. Grant occupied Paducah on September 5, and immediately troops began to cross the Ohio into Kentucky all along the line. The war was now on, and Kentucky was speedily becoming that which she had most feared, a battlefield between the sections.

The mask had now been forcibly torn off and each individual must decide for himself what his course would be. There could no longer be neutrals. Those who had felt an almost uncontrollable sympathy for the South now hurried out of the state, to later become its invaders. John Morgan led a band out of Lexington, and Simon B. Buckner, with most of the State Guards, hurried southward to join the Confederates. Under the command of Gen. Albert Sidney Johnston, Buckner before the end of September was advancing up the Louisville and Nashville Railway, breaking up the line to a point forty miles south of Louisville. He also destroyed the locks on the Green River to prevent its use by the Federal gunboats. Before the end of October, General Zollicoffer was threatening to emerge from the eastern mountains into the central part of the state, but on the 21st was halted by the battle of Wild Cat Mountain.

It was during this period that the Provisional Government of Kentucky was set up and promptly joined to the Confederacy. In October a call was issued by certain Kentuckians at Russellville for a sovereign convention to be held the following month to take into consideration the unhappy condition of the state. The convention, attended by over 200 members, claiming to represent sixty-five counties, met on November 18 and sat for three days. It declared the state independent of the United States and asserted the right to set up any form of government desirable. The supreme legislative and executive power was placed provisionally in a governor and ten councilmen. George W. Johnson was made governor.<sup>6</sup> Through this government Kentucky was admitted into

<sup>5</sup> Collins, *History of Kentucky*, I, 88. This was April 22.

<sup>6</sup> *Official Records*, Series IV, Vol. I, 741-747; Edward McPherson, *History of*

the Confederacy and was given a place in its councils, despite the fact that it was soon pushed completely out of the state. This action in setting up a Confederate Kentucky was prompted for various reasons. The Confederacy had not yet lost the idea that Kentucky was at heart for the South, but was being temporarily coerced by the occupying Federal troops from leaving the Union. This government would serve as a rallying point. It was also felt that many Kentuckians would be constrained to join the Confederate forces if they were assured that they were not fighting against the legitimate government of Kentucky. This government would relieve them of the feeling that they were guilty of treason to the state. It was also an easy way to soothe the feelings of those Kentuckians who had fought to force the state out of the Union but had failed. As ludicrous as this so-called government appeared, it was scarcely less substantial than the Federal governments set up in Virginia and other Southern states.

While the Confederates were setting up this government, the Federals were gathering their forces to sweep them out of the state and carry the war into the enemy's country. The loyal government of Kentucky entered into the war with vim and determination. On September 25 it called for 40,000 volunteers to drive the invaders out of the state, and the Military Board was soon given an appropriation of \$2,000,000, in addition to an equal amount previously allowed. Rousseau stood in the way of Buckner's attempted assault on Louisville, while forces were forming to deal with Zollicoffer in the east. Munfordsville and other engagements sent Buckner's forces toward the Tennessee line, and the defeat and death of Zollicoffer at Mill Spring threw the Confederates southward across the Cumberland River. Grant moved up the Tennessee and Cumberland rivers in the southwestern part of the state and by the middle of February, through the aid of gun boats, captured Fort Donelson on the Cumberland and Fort Henry on the Tennessee, and cleared the road to Nashville. This made it extremely dangerous for the Confederates in and around Bowling Green. Johnson ordered a retreat. Bowling Green, Columbus and Eastern Kentucky were evacuated and the state was free of the Confederates by the first of March.

With the battlefields now pushed beyond the state's limits, Kentuckians had more time to think what the war was all about and to adjust themselves to war conditions. With the fighting removed from their doors, they also had more time and inclination to note the manner and methods of the Federal occupation of the state. Always jealous of outside interference in state affairs, they were not disposed to wink at too many restrictions and doubtful acts of the Federal military regime. With prophetic vision the Legislature, in the same set of resolutions abandoning neutrality and calling for the expulsion of the Confederates, declared: "That in using the means which duty and honor require shall be used to expel the invaders from the soil of Kentucky, no citizen shall be molested on account of his political opinions; that no citizen's property shall be taken or confiscated because of such opinions, nor shall any slave be set free by any military commander, and that all peaceable citizens and their families are entitled to, and shall receive, the fullest protection of the government in the enjoyment of their lives, their liberties, and their property."<sup>7</sup> Here was suggested the sources of troubles to come, so exasperating that, had the future been open, the course of Kentucky in the war would have been much more doubtful than it really was. This resolution was less than a week old when the Legislature was made to feel the military power. Three members of that body, while

*the Rebellion*, 8; Collins, *History of Kentucky*, I, 97; Speed, *Union Cause in Kentucky*, 200-211.

<sup>7</sup> Collins, *History of Kentucky*, I, 93.

on their way home, were arrested at Harrodsburg by Union officers of the Home Guards and held. The Legislature, smarting under this affront, sent a committee to make an investigation and secure their release. This committee reported that their arrest was "illegal, unwarranted, and is disapproved; and that the arrest of any citizen of this State, except for sufficient cause and in accordance with law, meets our condemnation, and is in conflict with a series of resolutions passed by the present General Assembly. \* \* \*"<sup>8</sup>

The Federal authorities were anxious to clinch their hold on Kentucky, and an important way they believed to do it was to arrest all those who should in any way aid the South or express sympathy for it. As this left a very wide field for interpretation, it became increasingly easy to arrest people for any cause whatsoever or for no cause at all. In order that many people who had stood out against the state's joining either the North or the South, or who had expressed sympathy for the South in the days of neutrality, might know where they stood in the new order, General Anderson, in command of the state, issued, directly after the legislators had been arrested, this order: "The commanding General, understanding that apprehension is entertained by citizens of this State who have hitherto been in opposition to the policy now adopted by this State, hereby gives notice that no Kentuckian shall be arrested who remains at home attending to his business and does not take part, either by action or speech, against the authority of the General or State Government, or does not hold correspondence with, or give aid or assistance to, those who have chosen to array themselves against us as our enemies."<sup>9</sup> This announced policy tended to reassure the state, but no policy could last long with commanders frequently changing, and many over-zealous officers, anxious to distinguish themselves by arresting unarmed rebels. Reuben T. Durrett and Charles S. Morehead had already been arrested "on charges of treason or complicity with treason," and many another person, high and low, was destined to fall before the onslaught.<sup>10</sup> James B. Clay was arrested in Madison County, and soon thereafter charges of treason and high misdemeanor were found in the Federal District Court against thirty-two other prominent Kentuckians, including John C. Breckinridge, John Morgan and Humphrey Marshall. Arrests became so frequent that there was grave danger of nullifying all advantages secured from a riddance of dangerous Confederate sympathizers by rousing the Union element against the Federal regime. In early October, Anderson issued an order against the practice of making arrests "upon the slightest and most trivial grounds" and warned the Home Guards against their persecutions of law-abiding citizens who were remaining quietly at home. Anderson, on account of ill health, was superseded on October 14 by Gen. William T. Sherman, who was in turn succeeded by Gen. D. C. Buell on November 13. Sherman took a gloomy view of the Union cause in the state, but did not see a cure in senseless arrests. He declared that all civilian prisoners must be given a trial before "the legal tribunals of the country." Under Buell many arrests took place, but activities were intensified when Gen. Jerry T. Boyle assumed command of Kentucky on June 1, 1862. On August 13 Secretary Stanton wrote Boyle that arrests should "be exercised with much caution and only where good causes exists or strong evidence of hostility to the Government."<sup>11</sup>

In addition to the great provocation of promiscuous arrests, the state

<sup>8</sup> Collins, *History of Kentucky*, I, 94. This resolution in modified forms passed each house.

<sup>9</sup> *Ibid.*

<sup>10</sup> McPherson, *History of the Rebellion*, 153; *Official Records*, Series II, Vol. II, 808, 829.

<sup>11</sup> *Official Records*, Series II, Vol. IV, 380, 381.



was forced to endure military interference with elections. Boyle stirred up much opposition and hatred for himself along this line. In the August election the Federal soldiers began that course of interference which was to increase with time, until the state was on the verge of declaring open opposition to the Federal administration. On July 21 Boyle issued an order forbidding any person whose opinions were hostile to the government to run for office. Such person, he declared, would be considered guilty of treason and would be treated accordingly. Federal interference with voting was freely charged when the election was over and the Union candidates successful.<sup>12</sup> On August 15, Governor Magoffin, in his message to an extraordinary session of the Legislature, called the serious attention of that body "to the interference by the military with the civil authorities, to the arrest of our citizens without authority of law, and to their protection in the enjoyment of the right of suffrage, their right to become candidates for and to hold office, and enjoy their property, as peaceful and law-abiding citizens, under the constitution and laws."<sup>13</sup>

It was sometimes difficult for the government of the state to steer a true course between the machinations of the Confederate sympathizers among her population and the exasperating interferences of the Federal military authorities. The one was hated as much as the other. But the desire to hold the state true to the Constitution and the Union was so strong that Federal interferences were largely forgotten when it came to dealing with the Confederates and their sympathizers. In September of 1861 the Senate passed a bill setting severe penalties on any Kentuckian who joined a military force which should later invade the state, but the House refused to concur. However, on October 1, virtually the same law was enacted declaring that Kentuckians invading the state should be adjudged guilty of a felony and punished with imprisonment in the penitentiary from one to ten years; and any person persuading a person to enlist in the Confederate armies should be deemed guilty of a high misdemeanor and should be punished by a fine of not over \$1,000 or imprisonment of not more than six months.<sup>14</sup> In December the Legislature passed laws imposing certain civil penalties on any person joining the Confederates. The growing indignation against Confederates and their sympathizers was forcefully expressed in the celebrated expatriation law passed in the session of March, 1862. By this law any citizen of the state who should join the Confederate government, either in a civil or military capacity, or who should give voluntary aid or assistance to those in opposition to the Federal Government, should be "deemed to have expatriated himself, and shall no longer be a citizen of Kentucky, nor shall he again be a citizen except by permission of the legislature."<sup>15</sup> The volume of laws designed to punish Confederates and their followers was increased at almost every session of the Legislature until almost the end of the war. In August, 1862, stringent oaths of loyalty were required of all jurors, teachers, college professors and ministers. It was also made punishable by a fine of \$50 to \$100 to display a Confederate flag, and it was made a penitentiary offense to conspire or combine to levy war on the state or hold secret meetings to encourage or give aid to the South.

The indignation of the Legislature was aroused on various occasions by the opposition of Governor Magoffin to measures passed by it and to its program in general. Magoffin had been much opposed to the state's course in abandoning neutrality and in its standing with the North thereafter. His opposition stood out in many vetoes, which were almost

<sup>12</sup> *Louisville Journal*, July 22, 1862, for Boyle's order.

<sup>13</sup> Collins, *History of Kentucky*, I, 106.

<sup>14</sup> *Acts of Kentucky*, 1861, p. 15.

<sup>15</sup> *Acts of Kentucky*, 1862, p. 71. Dated March 11.

invariably overridden. The situation was pleasant neither for the governor nor the Legislature. Magoffin undoubtedly wished many times that he were removed from his situation, but, being strongly legalistic in his views and also hoping to prevent the state from settling into a severe policy against the South, he clung to his office. The Union leaders saw the impossibility of the state giving its best efforts for the preservation of the Union while a hostile governor filled the executive office. The situation was growing more intolerable for all concerned as time went on. Owing to a confusion as to the meaning of the militia laws, the state troops had dwindled to nothing. It was becoming impossible to uphold the dignity of the state under such circumstances. Governor Magoffin believed that Federal interference and indignities were coming in increasing volume. On July 28, 1862, the governor called a special session of the Legislature to take into consideration the situation confronting the state, both from the dangers of Federal interference and the impotence of the government in its divided condition. In his proclamation he said: "I am without a soldier or a dollar to protect lives, property and liberties of the people, or to enforce the laws. Daily appeals are being made to me, as the governor of the state, to protect our citizens from marauding bands, and in the peaceable enjoyment of their property and rights under the constitution. I am without the means and power to afford relief; and am left no alternative but to appeal to you, their representatives—in the hope that it will not be in vain."<sup>16</sup>

His term of office would not expire until 1863, but he had by this time come to the conclusion that he would resign if he could designate a desirable successor, the lieutenant-governor having died some time previously. By the constitution, the speaker of the Senate should succeed to the governorship when there should be no lieutenant-governor, but John F. Fisk, the present speaker, was unacceptable to Magoffin. In order to solve the difficulty, Fisk resigned his position, and James F. Robinson, who was acceptable to the governor, was made speaker, whereupon Magoffin resigned, and Robinson automatically became governor. Fisk was then reelected to the speakership, and the political transformation was complete.<sup>17</sup> Efforts had been made to supersede Magoffin in October of 1861 through a resolution introduced in the Legislature, but it was not acted upon. As previously noted, Magoffin would have been glad to relinquish his office much earlier, but he refused to be pushed out in a manner which he believed illegal, and he did not wish to resign under fire. With regard to this, he said in his message of resignation: "At any time within the past twelve or eighteen months it would have given me great pleasure to resign my office, could I have done so consistently with my self-respect. But the storms of wholly undeserved abuse with which I have been assailed during that period, and the threats of impeachment, arrest, even assassination, constantly made against me, have compelled me to continue in the quiet discharge of my duty."<sup>18</sup> Many people were constrained to sympathize with him in his difficult situation, and few but the most unreasoning refused to accord him complete sincerity and honesty of purpose. The *Frankfort Tri-Weekly Commonwealth* said: "While credit for conscientiousness is due him for not wavering in his opinion, even under the dictates of a majority, still more credit is due for candidly yielding his opinions by a resignation when he felt those principles coming in contact with the will of the people."<sup>19</sup>

Since February, 1862, the state had been free from major Confederate operations and had during this time come to a realization that,

<sup>16</sup> Collins, *History of Kentucky*, I, 105, 106.

<sup>17</sup> See *Danville Quarterly Review*, IV, 388; Collins, *History of Kentucky*, I, 108.

<sup>18</sup> Collins, *History of Kentucky*, I, 108.

<sup>19</sup> August 22, 1862.



regardless of warfare on her soil, she was still to be subject to an army of occupation and to all its inconveniences and exactions. The protests that had arisen were not unknown to the Confederates, who for this reason tried to believe that Kentucky was being held in subjection against her will and was only waiting for deliverance. Coupled to this idea was the great desire to push the limits of the Confederacy to the Ohio River, which would be an ideal line of defense denied to them in 1861, but now looming up as a possibility. To feel out the situation and to show the effectiveness of detached raiders, Gen. John H. Morgan in early July began the first of those raids into Kentucky that were to win for him the reputation of being the most intrepid cavalry leader of the South. He entered the state through Monroe County and continued his march northward toward Louisville, destroying the railroad and its equipment; then eastward through the central part of the state, on through Richmond, and out by the way of Monticello into Tennessee. In less than a month he captured seventeen towns, destroying all government stores in them, fought numerous engagements, dispersed about 1,500 Home Guards and paroled about 1,200 regular troops. He lost only about ninety of his original force of 900.<sup>20</sup> A general advance in force into Kentucky was now determined upon. The Confederates moved forward under General Bragg in three columns, all directed toward a converging movement in the central part of the state. Gen. E. Kirby Smith entered from Knoxville, Humphrey Marshall was in command of troops coming up from Southwest Virginia, and General Bragg entered farther westward from a feint on Nashville. General Morgan reentered the state with his cavalry as a part of this movement. On reaching Bardstown, Bragg issued an address to the people, bespeaking his belief of their sympathy for the Confederacy and calling upon them to enlist or be drafted. In part he said: "The armies of the Confederate States now within your borders were brought here more as a nucleus around which the true men of Kentucky could rally than as an invading force against the Northwest. As you value your rights of person and property and your exemption from tyranny and oppression, you will now rally to the standard which protects you and has rescued your wives and mothers from insult and outrage."<sup>21</sup>

There were few Federal troops in the state to resist Bragg's advance, and before General Buell could move up from Tennessee, General Smith administered a crushing defeat to the Federals near Richmond, and moved forward into the central part of the state, threatening Cincinnati and Louisville. Bragg, who had now entered the state in a rather dilatory fashion, continued to delay a decision, thus giving Buell time to move up and occupy Louisville. Even yet Cincinnati might have been taken by Smith if he had been reenforced and given permission. Delay seemed to be the order with Bragg, and in a short time he found himself confronted by an ever-increasing Union army. But before the final general action came, the Confederates occupied Frankfort long enough to inaugurate Governor Hawes, who had succeeded to the governorship upon the death of Johnson. But the opportunity of the Confederates was now gone, and on October 8 the battle of Perryville took place, the bloodiest ever fought on Kentucky soil. The Federals lost about 4,000 men, while the Confederates left behind over 3,000. Bragg now marched eastward with the immense supplies which he had gathered up, effected a junction with Smith, and left the state by way of Cumberland Gap. Morgan, with his brilliant recklessness, remained in Central Kentucky for a fortnight, and then marched westward, retreating through the

<sup>20</sup> *Official Records*, Series I, Vol. XVI, Part 1, p. 767.

<sup>21</sup> Quoted in Speed, *Union Cause in Kentucky*, 274, 275.

Green River region into Tennessee.<sup>22</sup> The failure of this expedition to obtain its military objective, as well as to arouse the Kentuckians to support the Confederacy precluded any further major attempts of the Confederates to invade the state. The military situation in the West also made it more and more a hazardous undertaking. Thus it was that from the expulsion of Bragg to the end of the war the state was free of the Confederates, except for the raids of Morgan, Forrest and less noted commanders. Before the end of 1863 Morgan visited the state in another of his swift movements, spreading consternation and destruction in his wake. He captured Glasgow and Elizabethtown. Falling astride the Louisville and Nashville Railroad he destroyed bridges and track as far as Muldraugh's Hill. There he turned toward Bardstown, but was deterred from further advance by the collecting of large forces to oppose him. He then hurried back into Tennessee.<sup>23</sup> During 1863 the state was again visited by raiding parties, the most important of which was Morgan's cavalry. This was his most daring and spectacular movement of the whole war. Crossing the Cumberland at Burksville in his march from Tennessee, he moved north and west through Lebanon and Bardstown, striking the Ohio River at Brandenburg. Imitating Lee's invasion of Pennsylvania, which was now in process, he crossed the river and started eastward, destroying railways as he progressed. Consternation reigned throughout the regions north of the Ohio, and in a short while formidable forces were rising against him. Seeing the dangers of further operations here, he sought to recross the river, but was prevented. Then, continuing up the river, he sought to cross near Cincinnati, but saw the way barred by Federal troops. Foregoing the easy possibility of capturing the city, he continued on up the river, seeking a point where he might be able to cross. After a determined attempt, in which he failed and lost a considerable number of his men, he marched eastward toward Wheeling. He was finally surrounded, captured, and sent to the Ohio penitentiary as a common criminal. Resourceful in every surrounding, he soon escaped and was back in the South again, preparing to invade Kentucky his last time in 1864.

Entering the state from the eastern mountains, he eluded the Federal forces and had captured Mount Sterling almost before his presence was known. He pushed on into the heart of the state. He was successful in an attack on Federal forces near Cynthiana. Later he was attacked in his position there and so severely defeated that his command was broken up. He fled from the state by way of West Liberty and took refuge at Abingdon, Virginia. Three months later his romantic career was brought to a close when he was killed at Greenville, Tennessee, in an attack on his depleted command. In the same year Forrest invaded the extreme western part of the state. He attacked Paducah, but was beaten off with great loss.

These organized raids and major invasions were by no means the only military attacks made on the state. Almost simultaneously with the beginning of the conflict, unorganized warfare broke out in the most exasperating fashion, when all the hatreds and private spleen that wars can engender were let loose on the state. Guerillas laid waste to an enormous extent and produced a situation which was not confined to military affairs alone, but attributed to a most dangerous political crisis. Groups of raiders unattached to any organized command are likely to be produced by any long-drawn-out war, but conditions in Kentucky

<sup>22</sup> *Reminiscences of Gen. Basil W. Duke* (Garden City, 1911), passim; *Official Records*, Series I, Vol. XVI, 1088; Collins, *History of Kentucky*, I, 109-114; Shaler, *Kentucky*, 291-330; Speed, *Union Cause in Kentucky*, 212-224.

<sup>23</sup> *Official Records*, Series I, Vol. XX, 154; Shaler, *Kentucky*, 326; Collins, *History of Kentucky*, I, 117; Basil W. Duke, *History of Morgan's Cavalry*, 335 et seq.

were especially favorable. The deep division in her population, which not only cut through the same community, but directly between members of the same families, was prolific in arousing animosities, personal as well as otherwise, which seemed best satisfied in organized plunder and murder. These guerillas were the dregs of a more respectable group of fighters employed by both sides, and the line was sometimes difficult to draw between guerillas and Home Guards and between guerillas and organized bands of Confederate raiders. The tendency was always to consider the guerillas as Confederates or their sympathizers, because their operations resulted to the disadvantage of the Federals. That this should be so was due to the very nature of the situation. Kentucky was the area of operations, and the damage done must of necessity make the situation for the Federal occupying troops more difficult and dangerous. That the Confederates profited from these operations cannot be denied, and that the Confederate Government welcomed this plundering of their enemies would not seem unreasonable, but that the real guerillas were ever under the control or command of the Confederacy seems not to have been established.<sup>24</sup>

The depredations of these mediæval warriors were marked by unbridled passion and reckless abandon. Private grudges were satisfied in murder, public grievances in the firing of towns and court houses, and primitive instincts in pillage and plunder.<sup>25</sup> This plague grew to be the great overshadowing menace of 1864. Of these times Champ Clark said: "The land swarmed with cutthroats, robbers, thieves, firebugs and malefactors of every degree and kind, who preyed upon the old, the infirm, the helpless and committed thousands of brutal and heinous crimes—in the name of the Union or the Southern Confederacy."<sup>26</sup> As exasperating and as unbearable as guerilla ravages were, the remedies applied at times became almost equally so. Goaded almost to distraction, the authorities blindly hit at the evil, and in so doing laid themselves open to charges almost as grave as those held against the guerillas. In October, 1863, Governor Bramlette issued a proclamation declaring that "the state shall be free from its murderous foes, even though every arm be required to aid in their destruction." The method he would use was the state guards, and if recruits did not come forward at once, he threatened a draft. With conditions growing worse, he issued another proclamation on January 4, 1864, laying the growing evil to Confederate sympathizers who harbored the guerillas or refused to report their presence. He, therefore, ordered military commanders in the regions where the guerillas should take off a loyal person to arrest five of the most prominent Confederate sympathizers and hold them as hostages for the safe return of the prisoner. He said: "Where there are disloyal relatives of guerillas, they should be the chief sufferers. Let them learn that if they refuse to exert themselves actively for the assistance and protection of the loyal, they must expect to reap the just fruits of their complicity with the enemies of our own state and people."<sup>27</sup> The great danger in this course was the ease with which persons might be arrested as rebel sympathizers. There were no workable standards, when this discretion was once given into the hands of numerous over-zealous military commanders, of determining what constituted rebel sympathies. In the words of one who knew the situation from experience, "\* \* \* the evidence on which the people were denounced as rebels was generally of

<sup>24</sup> See Speed, *Union Cause in Kentucky*, 242-269.

<sup>25</sup> For an almost unending list of guerilla crimes and depredations, see Collins, *History of Kentucky*, I, 105, *et seq.* and for a compilation of the courthouses destroyed see Speed, *Union Cause in Kentucky*, 261.

<sup>26</sup> *Proceedings of Congress* \* \* \* in the acceptance of the Statutes of Benton and Blair, 40.

<sup>27</sup> Copy of proclamation in Speed, *Union Cause in Kentucky*, 248, 249.

a worthless nature—a few words of criticism of some Federal officer, the reported presence of a son or brother in the Confederate army, or the mere fabrications of someone who had a grudge to pay. \* \* \*<sup>28</sup> The *Louisville Democrat* inquired who was going to protect the person so reporting when the next day he were given a visit himself by the guerillas. "If a citizen is to aid, let him be protected in it; otherwise any expectation of his active help is unreasonable."<sup>29</sup>

The Legislature in February, 1864, passed a law setting a penalty of \$100 to \$5,000 and imprisonment from three to twelve months for encouraging or harboring guerillas or failing to give information of their raids. General Sherman, who was now preparing to make his famous "march to the sea," sent General Burbridge, now in command of Kentucky, hints on how to deal with the guerillas. He said he had recently asked Governor Bramlette to organize a small, trustworthy band in each county under the sheriff, "and at one dash, arrest every man in the community who was dangerous to it; and also every fellow hanging about the towns, villages and cross-roads who had no honest calling—the material out of which guerillas are made up; but this sweeping exhibition of power doubtless seemed to the governor rather arbitrary. \* \* \*<sup>30</sup> As for instructions for Burbridge, he said: "You may order all post and district commanders that guerillas are not soldiers, but wild beasts, unknown to the usages of war. \* \* \*<sup>30</sup>

"Your military commanders, provost marshals and other agents may arrest all males or females who have encouraged or harbored guerillas and robbers, and you may cause them to be collected in Louisville; and when you have enough—say 300 or 400—I will cause them to be sent down the Mississippi, through their guerilla gauntlet, and by a sailing ship send them to land where they may take their negroes and make a colony, with laws and a future of their own."<sup>31</sup> Measures of a desperate character were soon undertaken. On July 5 martial law was de-

<sup>28</sup> Shaler, *Kentucky*, 334.

<sup>29</sup> Quoted in Collins, *History of Kentucky*, I, 138.

<sup>30</sup> "In the earliest days of 1864, the natural fruitage of protracted civil war became more cruelly and distressingly manifest than at any previous time. So intensely and fiercely were the passions of men inflamed by constant criminations and recriminations, by daily injuries and retaliations, and by tyrannous exactions and resistencies, that even men in authority of good intentions and of ordinary humane impulses were betrayed into measures of injustice and wrong which themselves would not seek to justify on the return of sober reason. But far worse than all for the peace and safety and good order of the people, there began to appear actively in the field organized bands of armed, mounted "guerillas" infesting and raiding the State in many directions. The members of these bands of raiders were mainly men who had formerly given their allegiance to the Confederate service; but, under different pretext and from different causes, had abandoned that service and defied the authority of the Government, and lent themselves to the lives of marauders and freebooters. Apparently reckless of all responsibility to the laws of God or man, they gave themselves to an unrestrained license of revengeful murder, of bold and daring robbery, and of deeds of violence and outrage, which were without the pale of the laws of civilized warfare. Men in Federal uniforms, whether paroled and unarmed prisoners, sick and wounded in hospitals, or with or without means of defense, were massacred in cold blood wherever opportunity offered. Banks, railroad trains, public depositories, and stores were robbed, and outrages marked everywhere the frequent paths of these flying troopers, who scudded from one retreat to another like phantom scourges. These bands were made up of a strange medley of characters. Here, one had become a desperado, devoting his life to revenge for an outrage by some military enemy upon mother or wife or sister. Another in fierce wrath, had declared undying war for the wanton murder, by armed violence, of a father or brother. Yet another, because his house and property had been left to smoke and ashes in the destroying track of an opposing army, had sworn to reimburse or revenge himself on guilty or innocent. These cruel wrongs are but the incidents of war, which even the best men in authority are unable to avert; so this outgrowth of desperate character is the exceptional result of war, which good men and good government can not repress or be responsible for." *Smith's History of Kentucky*, pp. 668, 669.

<sup>31</sup> Collins, *History of Kentucky*, I, 135.

clared, with the writ of *habeas corpus* suspended, and eleven days later Burbridge issued an order that all rebel sympathizers living within five miles of a guerilla outrage should be arrested and deported beyond the limits of the United States; their property should be seized in a sufficient quantity to meet all losses from guerilla depredations; and for every unarmed Union citizen murdered by guerillas, four guerilla prisoners should be taken to the scene of the outrage and shot. But in the execution of these orders the same difficulty of determining who was a guerilla prisoner and who were rebel sympathizers was insurmountable. As a result many innocent people were robbed, deported, and summarily shot, and a new terror little different from what it was trying to stop sprang up.

The growing irritation between the state and the Federal authorities found its best expression in the political conditions that grew more dangerous as military interference continued. The use of soldiers in managing and controlling elections, which had been first conspicuously manifested in 1862, was to be intensified under more exasperating circumstances. The great mass of Kentuckians at this time were divided into two schools of thought politically. There was a so-called Democratic party, much opposed to the war, but not openly aiding the Confederates. It was made up of those who had been Southern sympathizers in the days before and during neutrality, and of accessions since, due to exasperation at Federal interferences and the growing radicalism of the North on the negro question. They were a minority at this time (1862-1863). The remainder constituted the greater mass of Kentuckians, who, unable to endure the term of republicans, called themselves Union democrats. The former organization, sometimes referred to as peace democrats, laid plans for an early campaign in 1863 for the state offices, this being a gubernatorial year. A convention was called for February, and by the middle of the month delegates were making their appearance in Frankfort. On the 17th the halls of the Capitol were refused them. An attempt was then made to hold the convention in a private hall, but, before any business could be transacted, Col. E. A. Gilbert of the Federal forces appeared in the hall and demanded that the body disperse and the members return home and refrain from "seditious and noisy conversation." In his speech he said: "The democratic newspapers scorn and disown you. Democrats in high places and in low places call your leaders by the one name—TRAITORS!"

"There is no use in your holding conventions in Kentucky, as none but men of undoubted loyalty to the United States Government will, under any circumstances, be allowed to run for any office, or to fill it if elected. Such meetings as this you shall not hold within the limits of my command, and, to avoid difficulty, you will disperse to your homes, and in future desist from all such attempts to precipitate civil war upon your state."<sup>32</sup>

This interference created indignation throughout the state, irrespective of parties. It was believed by some that if the military could assume to manage the political affairs of the state, it might not stop short of complete control of the state government. The Legislature, although strongly against the peace democratic organization, was bitterly opposed to what had happened. The Senate declared that Gilbert's action was condemned "as uncalled for by the exigencies of the times, and not needed or desired by the Union Democracy of Kentucky. \* \* \* Such interference on the part of the military is dangerous in its tendencies and should not pass unrebuked."<sup>33</sup> Having been prevented from holding a convention, the party leaders addressed a communication to C. A.

<sup>32</sup> *Tri-Weekly Commonwealth*, Feb. 21, 1863.

<sup>33</sup> *Ibid.*, March 2, 1863.

Wickliffe asking him to become their candidate for governor. They here set forth their tenets and principles, saying in part: "We hold this rebellion utterly unjustifiable in its inception, and a dissolution of the Union the greatest of calamities. We would see all just and constitutional means adopted to the suppression of all one and the restoration of the other."<sup>84</sup> Wickliffe agreed to become their candidate.

The Union democrats met in Louisville in March for the purpose of nominating candidates. After a rather stormy session, in which there was a growing tendency of an element to turn toward radical measures and to condemn the national democratic party, Joshua F. Bell was nominated for governor and Richard T. Jacob for lieutenant-governor. After more than a month had elapsed Bell handed in his refusal to become the Union democratic candidate, whereupon Thomas E. Bramlette was designated by the party committee.

The campaign attracted much interest, due to party contentions as well as to the part played by the military authorities. The National Administration was exceedingly unpopular in the state, so much so that the Union democrats repelled with indignation the charges of the peace democrats that they favored it. Bramlette took the attitude that the lesser of the two main evils, the present administration or a rebel victory, the former was the more desirable, for "If Mr. Lincoln will not change his policy, we have no power to compel him, and we must correct these evils or leap into others which are far worse."<sup>85</sup> The peace democrats, strongly opposed to the war, carried on their campaign principally by seeking to show that Bramlette and his followers were supporting the National Administration.

As the election approached it took on a sinister meaning to the military authorities and led the state government itself to take precautions. On July 20 Governor Robinson issued a proclamation against certain classes voting and calling the state's attention to the expatriation act, and on July 31 General Burnside declared Kentucky to be under martial law "for the purpose only of protecting the rights of loyal citizens and the freedom of election."<sup>86</sup> The result of the election was a complete and overwhelming victory for the Union democrats, Bramlette receiving 68,306 votes to Wickliffe's 17,389.

As the state and national elections approached in 1864, party alignments were in the process of remaking. The Bramlette democrats and the Wickliffe democrats, both claimed to be the true democratic party, and both sent delegates to the National Democratic Convention in Chicago. The supporters of the National Administration were bitter in their denunciations of the action of the Bramlette group, claiming that it had stolen the party machinery and perverted it to rebel ends. Receiving its inspiration from Robert J. Breckinridge, it sent delegates to the National Republican (Union) Convention at Baltimore. This marked the real beginning of the republican party in Kentucky. The two wings of the Kentucky democracy were not far apart, due to the bitter antagonism the Union democrats held toward the National Administration. The Chicago Convention went far toward bringing them together when it admitted both sets of delegates and gave them one-half a vote each. It advised them to work in harmony in the coming campaign and, after much discussion between the leaders of the two wings, the democrats coalesced. The Kentucky democracy now included every species of opposition to the National Administration, from the most ardent Southern sympathizers to the most loyal Kentuckian who stopped short of supporting it.<sup>87</sup>

<sup>84</sup> *Congressional Globe*, 38 Cong., 1 Sess., Part 4, Appendix 71.

<sup>85</sup> *Tri-Weekly Commonwealth*, July 24, 1863.

<sup>86</sup> *Official Records*, Series I, Vol. XXIII, Part 2, p. 572.

<sup>87</sup> For the events leading up to this situation see *Louisville Journal* and *Lexington Observer and Reporter*, March-August, 1864.

At this time the state was overrun by guerillas, composed largely of the disorganized soldiers and deserters from the Confederate armies. How to deal with their murderous depredations had become a serious problem. Indeed, this element and its control had been a problem for two years at least. In 1864 the military forces for the Union were making desperate efforts to suppress these guerilla bands and protect loyal citizens from their vengeance. Stern and repressive military measures always arouse resentment. It is always easy to picture the alleged tyranny resulting from them. Attention is always directed away from the outrages which brought the military to interference in the interest of the helpless. Many thousands of the Union men of Kentucky were away fighting for the cause, while many of those who had gone out to fight for the Confederacy had returned and were in full cry against the National Administration and the Union soldiers engaged in suppressing their inhuman operations. It was made to appear that the actions of the Union forces against the active disloyal element and armed guerillas were against the people generally and against the state. Governor Bramlette was influenced by it. He heard only the clamor at home, and he misjudged its nature and failed to comprehend its significance. In holding in check rebellious elements, the military always commit errors. In some instances innocent persons suffer injustice, outrage, even death. It is unavoidable. The administration of any governmental measure must be effected by subordinates, and often they seek private vengeance and personal gain. They obtain both without the knowledge or consent of their superiors.<sup>38</sup>

This condition in Kentucky caused Governor Bramlette to come to an open break with President Lincoln. On September 3 he wrote the President as follows: "Extreme measures, by which they [the military] sought to break the just pride and subdue the free spirit of the people, and which would only have fitted them for enslavement, have aroused the determined opposition to your reelection of at least three-fourths of the people of Kentucky." It was the intention of the military that the disloyal should not be permitted to vote. He declared that Kentucky was dealt with as if it were a conquered province, and he frankly admitted that he was opposed "to your election, and regard a change of policy as essential to the salvation of our country."<sup>39</sup> The election resulted in McClellan, the democratic nominee for president, receiving more than twice the number of votes given President Lincoln.

<sup>38</sup> The situation was similar to that in Missouri which caused General Ewing to issue his famous Order No. 11. There the guerillas under Quantrill were increased by stragglers and deserters from the Confederate armies. They murdered Union men in Missouri indiscriminately. They broke over the border and sacked Kansas towns. Their destruction of Lawrence and the murder in cold blood of more than 100 citizens was the most horrible incident of the war. These guerillas took refuge in the border counties of Missouri and were fed, clothed, praised and encouraged by the citizens of these counties. It was impossible to exterminate them or to effectively cope with them. Under Order No. 11 the district supporting them was depopulated. Then arose a great cry from the Greggs, the Youngers, the Jameses, the Shepherds, the Halls, the Pences and many other families having sons, brothers or husbands in Quantrill's ranks. And this cry was against General Ewing and the Union administration in Missouri, which was of necessity largely military. General Ewing was held up to scorn as a monster by the men who had been in the business of murder and robbery for years. Some innocent suffered, of course, but in dealing with men with whom murder, robbery, and arson are a lust and a profession, and with those who harbor, aid and abet them, only drastic measures can succeed.

Quantrill, himself, driven from Missouri, took refuge in Kentucky. With him were the Halls, the Pences, the Jameses, the Longs, and other cutthroats whose hands were red with the blood of four years of unbridled ferocity. These men associated themselves with Sue Munday, One-Armed Berry, and other guerillas, and killed and burned in a wide district south of Louisville until Col. John M. Palmer organized a special company for their extermination, and Quantrill was mortally wounded at Wakefield's barn and the guerillas scattered.

<sup>39</sup> *Senate Journal*, 1865, pp. 32-35.

President Lincoln had long been troubled over the ever threatening situation in Kentucky. To satisfy the opposition of Bramlette and many others, he dismissed Burbridge and appointed in his place Gen. John M. Palmer. The *Louisville Journal* hailed his appointment with the announcement: "Maj.-Gen. John M. Palmer, of Ill., has been appointed to command in Ky. Thank God and President Lincoln."<sup>40</sup> But it was soon found that Palmer was as radical in his measures as Burbridge had ever been. The democrats, disappointed and bitter, were soon pouring forth their bitter denunciations of the continued military regime.

The end of the war was struck when Lee surrendered on April 9 at Appomattox Courthouse. President Lincoln was assassinated five days later. Loyal Kentuckians felt the pangs of sorrow at the going of the great leader who had saved the Union, so dear to them.

From Capt. Thomas Speed's *Military Campaigns* a brief review of the military movements in Kentucky is subjoined to conclude this chapter:

"The first recruiting began under Rousseau and Woodruff, at Louisville, and Nelson at Camp Dick Robinson, and from these to points notably they were promptly used to resist the advance of the Confederates. Also at Owensboro and Calhoun camps were established, from which Crittenden, Jackson and others gave protection to the country north of Green River. And in the upper section of the state the Kentucky troops prevented the Confederates taking possession. Up to the middle of November, 1861, all the Federal troops in Kentucky were under the command of Generals Anderson and Sherman.

"On the 15th of November, General Buell was placed in command of the Department of Ohio. He had a force under General Thomas about Somerset. At that time the Confederates controlled the southern part of the state, from Cumberland Gap to the Mississippi River.

"On the 19th of January, 1862, General Thomas defeated General Zollicoffer at Mill Spring. On the 16th of February, General Grant captured Fort Donelson. These successes caused the Confederates to fall back from Kentucky, and General Buell concentrated his army at Nashville. Grant's army moved up the Tennessee River to Pittsburg Landing, and March 15th Buell began his march from Nashville for the same point. The great battle of Shiloh occurred April 6th and 7th, after which the Confederates retired to Corinth, Mississippi.

"Up to this date the following are some of the events which had occurred in Kentucky, in which her soldiers participated or were interested: Skirmishing at Barbourville, September 19, 1861; at Green River Lock, mouth of Mud River, September 26th; at Albany, September —; at Laurel Bridge, near London, September 30th; at Upton Hill, October 12th; battle at Camp Wildcat, October 21st; skirmish at West Liberty, October 23d; at Camp Underwood, near Cave City, October 23d; at Woodbury, Morgantown and Rochester, October 29th, 30th; fight at Ivy Mountain, Pike County, November 8th; Brownsville, November 20th; at Camp Goggin, near Somerset, December 1st; at Bacon Creek, December 5th; at Rowlett Station, December 17th; at Sacramento, December 28th; at Paintsville, January 6, 1862; at Middle Creek, January 10th; battle of Mill Spring, January 19th; at Pound Gap, March 16th.

"The date the Confederates occupied Columbus was September 3, 1861.<sup>41</sup> General Grant occupied Paducah September 5, 1861. The in-

<sup>40</sup> Quoted in Collins, *History of Kentucky*, I, 155.

<sup>41</sup> It is sometimes said this was the first violation of "neutrality." It is also claimed that General Nelson's work at Camp Dick Robinson, in August, 1861, was the first. But as early as in the spring, companies of Confederate soldiers were organized in the state, and moved South with colors flying. Of this, Lovell H. Rousseau complained in his speech in the State Senate. It is also a fact that Confederate troops under General Zollicoffer occupied Cumberland Gap in July. The statement is made in Tarrant's history of the First Kentucky Cavalry, that



vestment of Fort Donelson was from February 12 to 16, 1862. Bowling Green was evacuated February 14, 1862. Nashville was occupied by the Federals February 25th. Columbus was evacuated by the Confederates February 27th. In the battle at Fort Donelson two Kentucky regiments were engaged—the 17th, Col. John H. McHenry, and the 25th, Col. J. M. Shackelford, being in the division commanded by Gen. Lew Wallace.

"In the battle of Shiloh fourteen Union Kentucky regiments participated—the 17th and 25th, being with Grant's army, and fought both days. There were with Buell's army, in the second day's battle, the 2d and 3d Cavalry; the 1st, 2d, 3d, 5th, 6th, 9th, 11th, 13th, 16th, 20th Infantry.

"In some respects Shiloh was the most remarkable battle of the war. On neither side were the troops inured to fighting. Grant's army had had some experience at Belmont, Fort Henry and Fort Donelson, but the Confederate army had not been in any engagement of consequence, the battle of Mill Spring being the most important, and that also was the most important which any of Buell's army had known. Yet, the fighting at Shiloh on both days, on both sides, was marked by features characteristic of veterans.

"It is claimed that the Confederates fell upon Grant's army by surprise. Without discussing this point, it is enough to say that the 'surprised' army began to fight at once, and fought over twelve hours, inflicting as much loss as it suffered, and backed altogether about a mile and a half. The fighting began at 5 a. m. and lasted until after 4 p. m. There were no fortifications. It was a pitched battle upon the natural, open ground throughout the day. From first to last it was a great and fearful struggle. The first clash produced the most terrific battle roar ever heard upon this continent up to that moment. The close at 4 p. m. was with a mighty charge, led by the Confederate commander in person, in which he fell, and the point was not carried.

"The results were losses in killed and wounded on each side about the same, and the Federal army driven back about a mile and a half. But it is said it was driven to the river and could not get farther away. This is an error. If the maps are examined, they show the Federal line at night, not along the river bank, but only one end at the river, and the line standing out across the country. The line extended from the landing out toward Snake Creek bridge, which was more than a mile from the river. Over that bridge Gen. Lew Wallace came that night, and took position near by. This position of the Federal line is shown on all the maps, including those in connection with General Buell's account, and in Col. William Preston Johnston's *Life of Gen. Albert Sidney Johnston*. The battle ended while there was yet more than two hours of good daylight, and the assailants had received blow for blow.

"Much has been said about the stragglers at the Landing. Naturally all there were would crowd to that point, and all being visible at one view the impression was great. The reports show the rear of the Confederate army was in no better condition. Col. William Preston Johnston, in his book, says: '*Gen. Beauregard, at Shiloh, two miles in the rear, with the debris of the army surging back on him, pictured in his imagination a wreck at the front totally different from the actual condition there.*'

"Without dwelling on the subject, it is interesting to note what Gens. Grant and Sherman said in their reports, made two days after the battle.

"Before any Union troops were organized on Kentucky soil General Zollicoffer, of the Confederate army, had already seized Cumberland Gap immediately on the state line, and held it with a formidable force." General Nelson, in a communication to the War Department from Cincinnati, July 16, 1861, says: "The gaps in the mountains are all guarded by rebel troops."

Gen. Grant says: 'During the night all was quiet, and feeling that a great moral advantage would be gained by becoming the attacking party, an advance was ordered as soon as day dawned.' Gen. Sherman says: 'The soldiers were in good spirits during the night, and determined to redeem on Monday the losses of Sunday.' Thus these two officers wrote at the time. The reports of the officers of Grant's army, division, brigade and regimental, show that these organizations went into the battle the next day.

"The presence on the field that day of Buell's army made the victory certain. If no other troops except Gen. Lew Wallace's 8,000 had arrived, it is impossible to declare certainly who would have won the battle of Monday. Both contestants in the Sunday battle were terribly battered, and Wallace's fresh troops might have turned the scale in Grant's favor, as they might have done on Sunday had they then arrived.

"Having dwelt for a moment on this tremendous struggle, we will now note the events following.

"After Shiloh, the Union forces united under Gen. Halleck, and moved out to Corinth. The Confederates evacuated that place May 29th, and then the two Union armies were again separated. Grant's moved down the Mississippi, and a year later captured Vicksburg. Buell's army remained in Northern Mississippi and Alabama, being opposed by the Confederate army under Gen. Bragg. From Corinth, Buell moved through Iuka and along the Tennessee river, occupying Florence, Tusculum, Athens, Decatur, Huntsville, Battle Creek and other places.

"While events of a larger sort were occurring, Kentucky was all the time the scene of continuous disturbance. The Unionists of the state having, by their votes, refused to secede, and having taken up arms in defense of the Union, those who professed to believe in and act upon the doctrine of state rights seemed to regard the state of Kentucky as a proper subject for chastisement, for having exercised that right, and adhered to the Union. It was, therefore, subjected to invasions and raids, which required the presence of a large number of Union troops for its protection. No detailed mention can here be made of the disturbed condition of affairs, but a few of the most important occurrences will be shown.

"At the beginning of the war, as we have seen, Kentucky was occupied by the Confederate forces in several places—at the extreme eastern part, along Cumberland river, at Bowling Green, Russellville, Hopkinsville, Columbus. The attitude of these forces to the state was as though Kentucky had seceded. Upon the fall of Fort Donelson in February, 1862, they all retired from the state, but returned before the year was out in great force, under Gen. Bragg, as we have seen. After Bragg's retirement no large force entered Kentucky. It was only subjected to incessant raiding.

"In the first days of January, 1863, Gen. John Morgan entered by way of Glasgow, and proceeded as far as Elizabethtown. He then turned and was pursued rapidly out of the state by way of New Haven and Burksville, by Kentucky troops under Gen. E. H. Hobson, Cols. John M. Harlan, W. A. Hoskins and others.

"In March, 1863, Col. Cluke, of Morgan's command, appeared at Mt. Sterling, and Gen. Pegram came in as far as Danville. Both were opposed by Kentucky troops and compelled to return. A severe battle took place with Gen. Pegram at Dutton's Hill, near Somerset in which he was completely defeated.

"July, 1863, Morgan again crossed into Kentucky at Burksville, and passed rapidly through the state. This was the celebrated raid which extended across the Ohio river. On the 4th day of July, 1863, Morgan reached Green river at Tebb's Bend, where Col. Moore, with a part of a Michigan regiment, was stationed to guard the bridge. Moore refused



GEN. JOHN H. MORGAN

a demand to surrender, and was attacked, but defended himself and saved the bridge. Morgan crossed the river at another place and hurried on to Lebanon, where he fought Col. Charles S. Hanson, with a portion of the 20th Ky., and compelled his surrender. Passing on he reached the Ohio river at Brandenburg, and crossing, went through the states of Indiana and Ohio, until he was captured.

"From the time he crossed Cumberland river, at Burksville, until his capture, he was pursued by Kentucky regiments of cavalry, and finally captured by them. The pursuers were under two Kentucky generals, Shackelford and Hobson. They were the 1st, 8th, 9th, 11th and 12th Ky. Cavalry, under Cols. Wolford, Bristow, Jacob and Crittenden, respectively, and also a battalion of the 3d Ky. Cavalry, under Major Lewis Wolfley. The pursuit of Morgan was more remarkable than the raid itself, for the pursuers traversed the entire distance and finally overtook, headed off and captured the great raider. For some details the reader is referred to the accounts of the regiments mentioned.

"Morgan was held a prisoner until he escaped. He was then assigned to a command in the western part of Virginia, where he organized a force and planned another raid into Kentucky. June 1st, 1864, he entered the state by way of Pound Gap, with the avowed purpose, as he states in his report, of destroying the railroad from Cincinnati to Lexington, and then to push on to the Louisville and Nashville Railroad.

"At this same time an expedition had been planned by Gen. Burbridge against the Saltworks, in Virginia, and a force under his command had proceeded as far as Paintsville, Ky., when Morgan came in through Pound Gap and headed for Mt. Sterling.

"Among the officers with Burbridge was the clear-headed, intelligent Col. John Mason Brown, of the 45th Ky., commanding a brigade. He instantly apprehended Morgan's object and counseled a rapid return to Lexington. His counsel was followed, and Burbridge's force hurried back. Before they encountered Morgan, that officer had fallen upon a small force at Kellar's bridge, under Gen. Hobson, and compelled a surrender. Immediately afterward, the force, under Burbridge, Brown and Hanson, met Morgan near Cynthiana, and, after a lively fight, completely defeated him, retaking all that he had captured and breaking up his command. Morgan, with what was left of his command, was pursued out of the state, through the mountains. For details the reader is referred to the accounts of the 45th Ky. Mounted Infantry.

"During the entire war there was incessant trouble with partisan bands in Kentucky, usually denominated 'guerrillas.' These bands made war upon all that appertained to the Union armies and Union cause. Their character may be understood from the attitude of Gov. Bramlette toward them. It is well known that Gov. Bramlette was a very moderate man; so much so, that he strongly antagonized the administration of military affairs in the state by Gen. Burbridge. Yet Gov. Bramlette issued what Collins calls a 'very severe proclamation toward rebel sympathizers, proposing to hold them responsible for all guerilla raids, charging them with knowledge of, and thereby aiding and abetting, their outrages.'

"At a later date, May 13, 1864, Gov. Bramlette seemed roused to desperation by guerilla outrages and issued a call in these words: 'Kentuckians! To the rescue! I want 10,000 six-months' troops at once. Do not hesitate to come. I will lead you. Let us help to finish the war and save our government. Thos. E. Bramlette, Governor of Kentucky.'

"That the state was full of these bands of Confederates is shown by the fact that in January, 1865, Gen. John C. Breckinridge sent an officer (Col. Robert J. Breckinridge) into Kentucky, secretly, to require all Confederates in the state to report to him, under the penalty of not being

recognized when captured, as prisoners of war. Col. Breckinridge was captured with this order in his possession. (Records of the Rebellion, No. 103, pages 764, 770.)

"The following letter from Gen. N. B. Forrest to the Confederate Secretary of War throws light upon the situation:

"Headquarters Forrest's Cavalry Corps,  
West Point, Miss., March 18, 1865.

"Hon. John C. Breckinridge, Secretary of War, Richmond, Va.:

"General: I take the liberty of addressing you relative to the state of affairs in the district of Southern Kentucky, and to bring to your notice and knowledge existing evils which can alone be corrected by yourself as the chief of the war department. It is due to myself to state that I disclaim all desire or intention to dictate. So far from it I hesitate even now to make known the facts or to suggest the remedies to be applied. No other motive than the 'good of the service' prompts me to address you.

"A military district was formed in Southern Kentucky, including a small portion of West Tennessee, and Brig.-Gen. A. R. Johnson assigned to the command of it. The object in creating this district was doubtless for the purpose of raising and organizing troops for our army. Its permanent occupation by any force raised within its limits was not expected or calculated upon.

"If it was the sequel shows that both in raising troops or holding the territory the experiment is a complete failure. Gen. Johnson was often reported to have from 1,200 to 1,800 men, was finally wounded and captured and his men scattered to the four winds.

"Brigadier-General Lyon then succeeded him and was driven across the Tennessee river into North Alabama with only a handful of men. Nothing has been added to our army, for while the men flock to and remain with Gen. Johnson or Gen. Lyon, as long as they can stay in Kentucky, as soon as the enemy presses, and they turn southward, the men scatter, and my opinion is, they can never be brought out organized until we send troops there in sufficient numbers to bring them out by force.

"So far from gaining any strength for the army, the Kentucky brigade now in command, has only about 300 men in camps (3d, 7th and 8th Kentucky regiments). They have deserted and attached themselves to the roving bands of guerillas, jayhawkers, and plunderers who are the natural offspring of authorities given to parties to raise troops within the enemy's lines.

"The authorities given to would-be colonels and by them delegated to would-be captains and lieutenants, have created squads of men who are dodging from pillar to post, preying upon the people, robbing them of their horses, and other property, to the manifest injury of the country and our cause.

"The same state of affairs exists in West Tennessee. The country is filled with deserters and stragglers, who run away and attach themselves to the commands of those who have the authorities referred to. They never organize, report to nobody, are responsible to no one, and exist by plunder and robbery. There may perhaps be a few exceptions, but as a general thing, men who besiege the department for such authorities are officers without position or command, who by flattering representations, recommendations and influential friends, avoid the ranks by obtaining authorities to raise troops with the enemy's lines. I venture the assertion that where one succeeds and organizes a command ninety-nine fail, and they take twenty men out of the army to one placed in it.

"I therefore unhesitatingly recommend that all parties holding such authorities, or are acting under orders from those who do hold them, be ordered to report with what men they have to the nearest department

commander, within a limited period, for consolidation and organization, and those failing so to report, to have their authorities revoked, and themselves subjected to conscription whenever caught.

"Do not understand me as reflecting on Gen. Johnson or Gen. Lyon, they did all they could, no doubt, to carry out the objects of the department in their district. They have failed, and the fact to my mind is demonstrated most clearly that the conscripts and deserters in West Tennessee and Kentucky will never come out until brought out by force.

"If all the authorities to raise troops in enemy's lines are revoked, and the mustering officers ordered out, troops can be occasionally sent in under good and reliable officers, to arrest and bring out deserters, and break up the bands of lawless men who not only rob the citizens themselves but whose presence in the country gives a pretext to Federal authority for oppressing the people.

"I am, General, very respectfully your obedient servant,

"N. B. FORREST, Major-General."

"In order to protect the state, the presence of a large force was necessary for guard duty, especially along the railroads, and for this purpose many Kentucky regiments were so employed. Across Kentucky supplies and reinforcements had to be sent to the front, and the immunity from the actual presence of war in the states immediately north of the Ohio river was enjoyed because the hostilities were kept confined to the state of Kentucky.

"It was the policy of the authorities at Washington during the war to appoint officers for command in the state. Gen. William Nelson and Gen. Robert Anderson were both Kentuckians. July, 1862, Gen. J. T. Boyle was placed in command of the District of Kentucky. He was a distinguished citizen of the state, well acquainted with the people and most highly esteemed. Gen. E. H. Hobson and Gen. S. S. Fry were kept on duty in Kentucky. Also Col. Charles H. Hanson, Col. T. B. Fairleigh, Col. Marc Mundy, Col. Cicero Maxwell, Col. John Mason Brown, Col. John H. Ward, Col. Sanders Bruce, Gen. Eli H. Murray were, at different times, on duty in the state. February 15, 1864, Gen. S. G. Burbidge was placed in command of the district.

"Gen. Burbidge was succeeded in February, 1865, by Gen. John M. Palmer, also a native Kentuckian. Palmer's course was also severely condemned, and he was indicted by a state court upon the charge of assisting slaves to obtain their freedom. In the spring of 1865, Gen. Eli H. Murray was assigned to the command of a department in Kentucky.

"The foregoing sketch shows that the service of the Kentucky regiments was marked by great activity, long marches, severe campaigns and almost numberless engagements. From enlistment to discharge they were on constant duty. Their campaigns extended over the states of Kentucky, Tennessee, Alabama, Mississippi, Georgia, Louisiana, Texas, Arkansas, North and South Carolina, and the western parts of Virginia. They participated in the great battles of Donelson, Shiloh, Perryville, Stone's River, Antietam, Chickasaw Bluffs, Champion Hills, Big Block, Vicksburg, Chickamauga, Mission Ridge, Knoxville, Rocky Face, Resaca, Dallas, Kennesaw, Peach Tree Creek, Atlanta, Utoy, Jonesboro, Franklin, Nashville, Savannah, Averysboro, Bentonville, besides numberless others of lesser note. Their marches extended over thousands of miles. They were exposed to the cold of four winters, and the heat of four summers, on the march, in camp and bivouac, and in battle."

In practically all these conflicts they met Kentuckians on the opposite side, who showed no less devotion to the Confederate cause. And thus it was Kentucky occupied a position unlike that of any other state.

## CHAPTER LXIV

### EFFECTS OF THE WAR

The end of the war saw Kentucky disorganized and impoverished. Her territory had been overrun by the armies of the two contending powers in major campaigns, and smaller raiding parties like those of John Morgan had brought much destruction. The occupation of the state by the Union armies throughout the period of the war had greatly interfered with the economic life of the people as well as with their peace of mind. The utter demoralization produced by the roving bands of guerillas in many parts of the state heightened the whole effect. Railroads had been destroyed, trestles and bridges and locks on the rivers demolished, houses burned, and fences torn down. Labor conditions were in a chaotic condition due to the collapse of the slave system. Many lives had been lost, and a very valuable and substantial portion of the population, expatriated and largely beyond the limits of the state when peace came. Storehouses were empty, and livestock gone. The Union forces which had received large amounts of provisions from the state, had paid little real money for them. The person whose loyalty was questioned was robbed without the slightest compensation being given, and the person whose loyalty was recognized was given vouchers which were long in being paid, if, indeed, ever paid at all. Added to all this was the political confusion then existing.

The surrender of the southern commanders did not mean an end of Federal interference in Kentucky or a departure of the military regime. Martial law was continued until the following October, and the writ of habeas corpus was not restored until the last day of November. The most exasperating of all the problems growing out of the war and that was to continue long to demoralize the state was the question of slavery. Troubles arising out of this difficulty had brought the state nearer to the brink of an open rupture with the Federal Government than any others. Fremont's Missouri proclamation had set the people's nerves on edge and the Emancipation Proclamation had produced an angry outburst, despite the fact that it did not apply to Kentucky. Governor Robinson said the Proclamation was unconstitutional and tyrannical, and a Frankfort editor declared that "We protest against the whole abolition programme and defy it. It never can and never shall succeed."<sup>1</sup> A law was soon passed forbidding any negro freed by the Proclamation to enter the state.<sup>2</sup> The impressment of slaves to work behind the armies was denounced; and there was an outburst of anger at enrollment and enlistment of slaves. The state was in no happy temper on this subject when the war ended. The Thirteenth Amendment had already passed Congress and had been submitted to the states for ratification.

Governor Bramlette submitted this amendment to the Legislature on February 7, 1865, with the advice that it be ratified since the institution of slavery was practically dead and that ratification might induce the Federal Government to make compensation for the slaves. A stormy debate was immediately precipitated. It was bitterly attacked not only

<sup>1</sup> *Tri-Weekly Commonwealth*, Jan. 5, 1863; *Cincinnati Daily Gazette*, Jan. 9, 1863.

<sup>2</sup> *Acts of Kentucky*, 1861, 1862, 1863, p. 336. Dated March 2, 1863.

in the Legislature but throughout the state. To ratify the amendment would be legalizing a wrong, would violate the solemn promises that the rights of the slave-holding states would be maintained, and it would set up substantially political and social equality of the negroes with white people.<sup>3</sup> There was a variety of opinions as to the expediency or desirability of freeing the slaves. With many people at this time the question was largely bound up with the question of compensation. There was only a very small group that stood out for unconditional ratification. The Senate in dealing with it brought in two reports, one the majority report utterly rejecting the amendment, and the other calling for ratification, conditionally. The condition was that the United States pay to Kentucky over \$36,000,000 to compensate the owners of all slaves enlisted in the United States army, used in labor battalions during the war, and freed by the amendment. The majority report was adopted by a vote of 21 to 13. The House rejected the amendment, 56 to 28. In taking note of the passage of the resolutions rejecting the Thirteenth Amendment, Bramlette reminded the Legislature that it had not settled the question, but was merely putting off the question for a future time.<sup>4</sup> This question was now to become the topic of the day, bitterly discussed and agitated throughout the land. According to one observation, "Slavery now divides the people of Kentucky, estranges members of the same family and creates deadly hatred between neighbors. Kentucky needs the speedy settlement of this question for the sake of her own domestic peace and prosperity."<sup>5</sup> Many men of prominence and leadership saw that the state was confronted not with a legal or constitutional argument but with an intolerable condition. Regardless of breach of promises and all constitutional arguments, slavery was dead and should be buried—it was worth less than nothing. Bramlette used the power of his office to further this movement and Prentice preached it in his *Journal*. "Our whole labor system is broken up," said the governor, "and utterly demoralized. Slavery has become an incubus upon our energies, a burden to our advancement, and a negative to our prosperity."<sup>6</sup>

But the question could not be settled upon its merits as long as the military regime lasted in the state and continued its meddlings. It soon came to be the position of Palmer that if the State of Kentucky would not ratify the Thirteenth Amendment or pass immediately an act freeing the slaves on her own authority<sup>7</sup> he would proceed to do so himself with the means that he had in his power as military commander of the state. The surrender of Lee did not bring an end to slave recruiting. This practice was kept up for the purpose of filling certain negro regiments and as a method of freeing slaves, as many Kentuckians believed. The operation of the Federal statute providing for the enlistment of slaves made them free as well as their wives and children. By this method it was estimated that at least 500 slaves were being freed every day.<sup>8</sup> In fact, through various causes, the number of slaves in the state by the latter part of July, 1865, had, according to the estimates of Palmer, dwindled to less than 65,000 out of 230,000 in 1860. Negro enlistments amounted to over 28,000, and counting two and one-half as the average freed on account of being members of the family over 72,000 were thus freed. Then, according to Palmer's estimate, at least one-half of the slave population belonged to Confederate sympathizers, and was, therefore, free. By this method of computation he arrived at his estimate

<sup>3</sup> See *Lexington Observer and Reporter*, March 29, 1865.

<sup>4</sup> *Cincinnati Daily Gazette*, March 3, 1865; Collins, *History of Kentucky*, I, 155. The real value of the slaves was estimated at over \$100,000,000.

<sup>5</sup> *Cincinnati Daily Gazette*, Feb. 13, 1865.

<sup>6</sup> *Lexington Observer and Reporter*, April 29, 1865.

<sup>7</sup> Of course, the Legislature could not constitutionally pass such an act.

<sup>8</sup> *American Annual Cyclopaedia*, 1865, p. 462.



of less than 65,000 mentioned above.<sup>9</sup> With their movements so general and incessant over the country, it was exceedingly difficult to determine which negroes came under the different conditions, and the result was that Palmer took the easiest course of procedure. He made little distinction among them, but considered them all free when it came to the practical application of a rule. Free passes were readily granted to any negroes desiring them, and under this ease of movement they began in a constant stream to cross the Ohio into the states north of the river. By July at least 5,000 had crossed at Louisville alone.<sup>10</sup> Thus, it was only a matter of time until every slave in the state could be freed without legal action by either the state or nation. Protests against the unconstitutionality of Palmer's actions availed nothing. The situation only convinced those Kentuckians who were willing to recognize an eventuality that slavery was dead and the most tactful act for Kentucky to perform was to ratify the Thirteenth Amendment.

Immediately after the end of hostilities, political and social conditions in the state were insecure and uncertain. Just what would be the reception given to the Confederate soldiers and sympathizers who should come wandering back to their homes? Certain legislation during the war indicated that a stern policy might be adopted; but toward the end of the war a change was noticeable. In February, 1864, Kentuckians who had joined the Confederacy were so far forgiven that citizenship was restored to those who enlisted in the Federal armies; and a year later Palmer, primarily to encourage desertion from the Confederate armies, promised all so deserting and registering with the provost marshals military protection.<sup>11</sup> With the coming of peace, it was soon evident that there was to be no prolonging of hostile feeling against those whose principles had led them to join the Confederacy. One who knew the spirit of these days through experience said, "We search in vain for any evidence of hatred or even dislike among these men who were so lately in arms against each other."<sup>12</sup> But this observation should be carefully weighed. It is by no means to be understood as meaning that there was not the most bitter hatreds soon to spring up knowing scarcely any bounds. This came in the play of politics and the scramble for preferment carried on by politicians who had known none of the honorable instincts and feelings of the soldier. It was surprisingly true that the soldiers almost unanimously banded together in friendship, which led to political alliances, all drifting distinctly to the advantage of the Confederate element and producing such bitter hatreds that the radical element, a small minority, sought to bring the state under the heel of the Federal Government and into the reconstruction program.

The election in August (1865) of a state Legislature, congressmen, and a state treasurer gave the people a chance to show their temper and the political elements an opportunity to drift into natural alliances. The democrats included all elements that had a latent or expressed sympathy for the South and those who were irreconcilable to the Federal military regime. By their opponents they were declared to be composed of "returned traitors and rebels," "sympathizers with the rebellion, those traitors who stayed at home," "all that class who have opposed the war for the Union and who have denounced all the war measures of the administration as tyrannical and unconstitutional," and "the no-more-men-or-money-party, those at Chicago who pronounced the war a failure."<sup>13</sup> The democrats were, in fact, the great body of Kentucky conservatism. The radicals, who stood with the national administration in

<sup>9</sup> *Cincinnati Daily Gazette*, Aug. 3, 1865.

<sup>10</sup> *Lexington Observer and Reporter*, Aug. 9, 1865.

<sup>11</sup> Collins, *History of Kentucky*, I, 131, 156.

<sup>12</sup> Shaler, *Kentucky*, 387.

<sup>13</sup> Editorial in *Semi-Weekly Frankfort Commonwealth*, June 27, 1865

the days of its extreme radicalism when it was at one with the Congressional leaders, called themselves the Union party. They were the group that had stood for the election of President Lincoln in 1864, and were now the national administration party in the state. Palmer, besides being military commander of the state, was also a powerful political factor in this party. There were also many Union soldiers who were at this time identified with this party, due to the too conspicuous friendship evinced by the democrats for the former Confederate element. The election of James Guthrie to the United States Senate in January (1865) over the gallant Federal commander, Rousseau, showed the power of the democrats and the temper of the Legislature.<sup>14</sup>

As the August election approached there was considerable apprehension that the Confederate element would seek to carry the day. Even Bramlette, who was an almost inextricable bundle of opposites, thundering protests against the Federal Government at one time and wreaking vengeance on Confederates at another, issued his proclamation quoting the Expatriation Act, and requiring all voters to take the oath that they had not directly or indirectly given voluntary aid to those opposing the United States Government.<sup>15</sup> The military authorities also took due precautions to guard the polls, thus in the long run injuring the cause of the radicals more than aiding it. The main issues in the campaign were the question of the ratification of the Thirteenth Amendment and the support of national measures. The memories as well as present experiences of the military regime also played their part. The election resulted in a victory for the democrats, or conservatives, as they were often called. They elected five out of the nine Congressmen, maintained their majority both in the House and Senate of the Legislature, and carried the state for Garrard, state treasurer, by a slight majority.<sup>16</sup>

There was much chagrin among the radical leaders at this defeat, as they had hoped to easily carry the state along with the momentum of a successful war. Some charged that many "returned rebels" had voted, while others sought to explain their defeat by declaring that the conservative character of Kentuckians had been shocked by the radicalism displayed by the national party of which the Kentucky radicals claimed to be a part. Others laid practically the whole blame on Palmer: "General Palmer has already cost the Union party 10,000 votes in this State, and the way in which he is allowing his negro troops and their officers to demean themselves, he will cost it its existence, unless that party denounce him and his policy and demand his removal."<sup>17</sup> But all the charges of corruption did not come from the radicals; the democrats immediately raised the cry of military interference with the ballot box. Lists had been prepared before the election, and persons whose names appeared on these lists were prevented from voting, and that often in a most repulsive way by negro soldiers. When the Legislature met much bitterness was manifested. Investigations were ordered and certain elections were declared illegal. The seats of four senators and of seven representatives were declared vacant and new elections were ordered. Soldiers prosecuted for interfering with the election; some were fined and others sent to jail.<sup>18</sup>

The democrats, now in control of the Government, began a course of legislation designed to erase forever from the statute books every memory of the past struggle, and in their zeal they so completely embraced, or were embraced by the Confederate group, that they brought

<sup>14</sup> For vote see *Cincinnati Daily Gazette*, Jan. 12, 1865.

<sup>15</sup> *Semi-Weekly Frankfort Commonwealth*, July 21, 1865.

<sup>16</sup> The vote for Garrard was 42,187, while Neale received 42,082. Collins, *History of Kentucky*, I, 163.

<sup>17</sup> *Cincinnati Daily Gazette*, Sept. 15, 1865.

<sup>18</sup> *Lexington Observer and Reporter*, Dec. 23, 1865; Jan. 31, et seq., 1866.

down the denunciations of the radical party and caused the Congressional leaders to debate seriously putting Kentucky under the Reconstruction Acts. The evidences of a desire for reconciliation appearing before the end of the war were now quickly magnified into major acts. Governor Bramlette, in his message to the Legislature in December, sounded the keynote of forgiveness: He asked if those laboring under disabilities should be "crushed—humiliated—debased by continual punishment? or shall they be forgiven—trusted—restored?" Continuing, he said, "Though secession is heterodox and suicidal, yet there were many able, intelligent, and conscientious men who honestly held and taught the right. Those who held to it, and fought for it, have given it up and abandoned the claim. Those who fought the battles are for peace. Those who nursed their courage at a distance from danger, 'to keep it warm,' only ask time to cool."<sup>19</sup>

Two days after the Legislature met the mill began to grind. A bill to repeal the Expatriation Act was introduced and the fight was on; and before the session was over almost every vestige of war legislation was swept away. The Expatriation Act was repealed by a vote in the Senate of 22 to 12 and in the House, 62 to 33. The attempt to require an oath of allegiance was voted down. The *Louisville Democrat* said, "We are opposed to this miscellaneous swearing; it is of no practical use."<sup>20</sup> The repeal of this act was bitterly denounced by the radicals. A newspaper editor thus expressed his resentment at the mild course pursued generally: "We had hoped that treason had become so odious with the loyal men of the state as that traitors must be made to suffer at least some of the consequences of their great crime. There are sufficient of those returned rebels to form a balance of power in Kentucky. Their votes will be cast with those who have sympathies with the rebellion, and they will elect their own men to the control of the state. Failing to conquer Union men with the bullet they will accomplish it with the ballot."<sup>21</sup> The law of 1861 declaring a Kentuckian who joined the Confederacy and later invaded the state guilty of a felony was repealed, and the oath required of ministers, jurors and others was abolished. Also various other penalties against Confederates were swept away.<sup>22</sup> This Legislature was sternly denounced at home and abroad. The *Cincinnati Daily Gazette*, declared editorially, "That the majority of the present Legislature of Kentucky is as disloyal in spirit as any that ever met at Richmond or in South Carolina, is not to be doubted; that it is their desire to persecute, drive out or crush Union men, they have made clearly apparent; and that it is their wish and their intention, if possible, to re-enslave the freedmen, they do not pretend to deny. The most popular men with the majority of the Legislature today, are returned rebel soldiers, who fought through the war to destroy the Government, and the most unpopular are returned Union soldiers and Union men who sustained the Government through the bloody struggle for its life."<sup>23</sup>

The immediate result politically of the repeal of the war legislation was to substantiate the worst fears of the radicals, namely: the capture of the state by the Confederate element. Their aggressive leadership and skill soon brought them into complete possession of the democratic or conservative party. They were so active that they threw the more conservative leaders of the party into confusion. The *Lexington Observer and Reporter*, said, "Never before, in the history of Kentucky politics, were parties and politicians in such confusion as at present."<sup>24</sup>

<sup>19</sup> *Lexington Observer and Reporter*, Dec. 9, 1865.

<sup>20</sup> Quoted in *Lexington Observer and Reporter*, Dec. 16, 1865.

<sup>21</sup> *Semi-Weekly Frankfort Commonwealth*, May 28, 1865.

<sup>22</sup> See Collins, *History of Kentucky*, I, 166.

<sup>23</sup> January 26, 1866.

<sup>24</sup> January 31, 1866.

The conservatives, as they had been most commonly called heretofore, were made up of those who had fought the war for the Union, but with many misgivings on Federal occupation, and those who had fought the war for the South and now were largely in control. Would this combination hold together? Then, there were the out-and-out Union men, the so-called radicals who wanted no reconciliation with the Southern group, and who hoped to capture the whole vote of those who had aided the Union in any way. The political situation was one of complete chaos as to national connections. The radicals were at first in whole-hearted accord with President Johnson and looked to him as their national leader; but his veto of the Freedman Bureau bill and his growing conservatism so bitterly opposed by the Congressional leaders, soon set the radicals into opposition to him. Now the conservatives of every kind began to attach themselves to Johnson. A radical convention in August, 1866, declared he was guilty of "defection \* \* \* from the loyal men of the nation," and condemned him for his "factious opposition to the supreme law-making power of the nation, in Congress assembled."<sup>25</sup> The Southern element in conservative party, pushing their advantage at every point, called through the *Louisville Courier*, their chief party organ, a convention to nominate a candidate for the clerkship of the Court of Appeals, the only office of a state-wide character to be filled in the August, 1866, elections. The notice was for a meeting to reorganize "the democratic party in the state, with the view of acting in conjunction with the party in the other states, in defense of the Constitution, and the support of the Union restoration policy."<sup>26</sup> A full party convention met and nominated Alvin Duval. It came out strongly for President Johnson and declared that "the Democracy of Kentucky pledge him a generous and hearty support in his efforts to restore the Constitution and the union of the states."<sup>27</sup> This convention was thoroughly under the control of the Southern element, and the definite birth of the democratic party after the war can be attributed to this meeting.

The radicals had been so completely worsted in their fight in the preceding Legislature that for a time they were almost quiescent as far as the organization of efficient party machinery was concerned. They were flirting with the element in the conservative party (or more appropriately called democratic hereafter), with the view of annexing their support. The result of this condition was that a candidate soon arose to claim the nomination of the radicals and another to represent the Union wing of the democrats, which was in the process of trying to split away. Under the leadership of the *Louisville Journal*, a Union conservative convention was held for the purpose of setting up a candidate of its own. Bolling was nominated. The union of this group with the radicals was now made easier, and was finally accomplished by the radical and Union conservative candidates resigning, and through the nomination of Gen. E. H. Hobson, a veteran of the Union armies. The campaign was fought out largely on the issues connected with the return of the Confederate element. The *Louisville Journal* said, "The issue is at last fairly and squarely presented to the people of Kentucky, between those who fought for the Union, and those who fought for the revolt all through the war."<sup>28</sup> But the *Lexington Gazette* maintained that, "it is sufficiently plain that the issue still is between destructive radicalism on the one hand and constitutional conservatism on the other."<sup>29</sup> The democrats were attacked as the party of "returned rebels" and Duval was called the secessionist candidate. This election was eagerly watched by

<sup>25</sup> *Lexington Observer and Reporter*, Aug. 29, 1866.

<sup>26</sup> Quoted in *Cincinnati Daily Gazette*, April 19, 1866.

<sup>27</sup> *Lexington Observer and Reporter*, May 5, 1866.

<sup>28</sup> Quoted in *Cincinnati Daily Gazette*, June 28, 1866.

<sup>29</sup> Quoted in *Cincinnati Daily Gazette*, July 24, 1866.

all, as it would give an indication of the former Confederate strength. The democrats were overwhelmingly successful. Duval was elected by a majority of over 37,000 votes in a total of about 155,000. The radical candidate received 58,035 as compared to 42,082 for their candidate in 1865, before the Confederate element was repatriated. Duval received 95,979, while the democratic candidate in 1865 received 42,082. It is safe to say then that the so-called "rebel element" amounted to about 40,000 voters. The election returns also show that the attempt to draw away the Union conservatives into an alliance with the radicals failed. The radicals were disappointed and gloomy. They admitted that "It is a straight out rebel victory. There is not the least necessity in trying to dodge or evade the issue. This was the test, and with it they canvassed and won the state. It is a sad record for Kentucky. The rebel gray has whipped the Union blue at the polls, and as humiliating as it may be, it is nevertheless true."<sup>80</sup> But the democrats looked upon the result in a somewhat different light. To them it meant a condemnation of the Freedman Bureau, the Thirteenth Amendment, the Civil Rights Bill, and the whole course of Congressional radical legislation. A Lexington editor declared that Kentucky would not "proscribe a man *because* he has been a Confederate, nor will choose a man merely because he has served in the Federal army. She has refused to proscribe for many local offices men against whom nothing was urged except service in the Confederate army."<sup>81</sup> These election results were well in keeping with the state's course through the war in opposing the military regime in her limits and unquestionably many now expressed the desires that had long been in their minds. Kentucky was now in complete accord with her Southern traditions.

The course of the state throughout the period during which the effects of the war were felt, harmonized with the position taken in this election. She thoroughly detested all radical measures as seen especially in the Congressional programs of reconstructing the South. She also set herself squarely against all attempts of the Federal Government to interfere in Kentucky affairs. She was very zealous in her advocacy of state rights. So strongly was she impregnated with opposition to the Federal Government's attempts to deal with the questions growing out of the war as they were related to Kentucky that she often took a reactionary and unreasoning position. At no point was this better shown than in her dealing with the negro question. But in this she believed she had great provocation.

On December 18, 1865, with the final adoption and promulgation of the Thirteenth Amendment all slaves throughout the United States not hitherto liberated were now freed. The Freedman's Bureau had already been instituted and with the coming of the Thirteenth Amendment it was extended to Kentucky, despite her protests that she had never seceded and should, therefore, not be subjected to this method of dealing with problems in the conquered territories. But the Federal Government believed it was necessary for the proper care of the liberated negroes in the state. It should look after their schools, their laboring conditions, protect them in its special courts in the enjoyment of their new-born liberties, and see that oppressive contracts were not entered into with their former masters.<sup>82</sup>

For the next two years it grew into the most detested institution the state had ever been forced to endure. Well-meaning and honest as many of its officers were, it failed to grasp the spirit of the state or to recognize it in any way. By the end of 1868, its activities were restricted to

<sup>80</sup> *Ibid.*, Aug. 10, 1866.

<sup>81</sup> *Lexington Observer and Reporter*, Aug. 8, 1866.

<sup>82</sup> For order extending it to Kentucky see *Cincinnati Daily Gazette*, Jan. 1, 1866.

Louisville, and finally in 1873 it was removed altogether. This bureau had its own courts where the negroes were supposed to be given justice, since it was contended that the state courts would not grant them justice and, indeed, could not until the disabilities against negroes were removed. One of the direct results of these Freedman's Bureau courts was to develop in the minds of the negroes the feeling that they were not amenable to state authority, which led them into an unruly attitude toward the state laws and courts. The *Kentucky Yeoman* said, "The Federal officers are in the habit of taking from the State officers persons arrested for crime, where a negro is concerned, whether the person arrested be a white man or a negro, and of removing him to the Federal Courts for trial."<sup>33</sup> Soon after the Freedman's Bureau entered the state the Legislature sought to drive it out by a law which made it a felony for any persons "pretending to act under the civil or military authority of this state or the United States," who should, without the warrant of law, collect money "under the pretense of a fine, tax, duty, or contribution, or as being due to the verdict of any pretended court."<sup>34</sup>

It was largely due to this interference by the Freedman's Bureau that the state took the attitude it did regarding negro testimony in the courts as well as other civil rights withheld for a time from the negroes. As the negroes were freed in the latter part of 1865, it was necessary to immediately repeal the slave code and make provisions for them as free-men. In February, 1866, negroes were given virtually all civil rights held by white people, except that negro testimony could not be used as evidence against whites. However, negroes were competent witnesses in civil suits where only negroes were concerned, and in criminal suits where a negro was the defendant. A contest was now precipitated for the admission of negro testimony in the state courts which took up the time of the Legislature during every session until 1872, when finally a law was passed declaring that "No one shall be incompetent as a witness because of his or her race or color."<sup>35</sup> During the same session the benefits of the Homestead Act, which had hitherto been withheld from the negroes, was granted "irrespective of race or color."

Directly after the war there sprang up a species of lawlessness engaged in by bands of people called Regulators, the Ku Klux Klan, and other designations in particular localities. It was almost the natural resultant of the disorganization produced by the guerilla gangs during the war. The natural inclination of much of that element toward lawlessness was gratified first in the Regulator bands; later the Ku Klux Klan began to operate under restraint, and when the better element abandoned it, the name was used by the most depraved, who vented their private grudges against every class, color and sex. The workings of the Freedman's Bureau were instrumental in starting the Klan; the negroes, relying on the protection of this Bureau against state courts, became exceedingly boisterous and troublesome. An epidemic of thefts broke out, followed by rape and murder. Being unable to bring the criminals to justice in state courts, men of respectability used the Klan to protect themselves and their people. The ignorant and designing took up this cudgel for their meanest ends, because they knew that negro testimony could never be used to convict them in the state courts. The dangers in the situation were soon evident, and the better element of the state rose up to put an end to this carnival of crime. The granting of negro testimony was urged as one remedy; and the varied powers of the state to deal with crime was held by many as sufficient if honestly applied. Governors referred successively in their messages to the un-

<sup>33</sup> Jan. 30, 1871.

<sup>34</sup> *Lexington Observer and Reporter*, March 3, 1866. Act dated February 17, 1866.

<sup>35</sup> *Acts of Kentucky*, 1871, pp. 12-14. Dated January 30, 1872.

settled conditions, and called upon the legislatures to enact stringent laws against mobs and roving bands. Rewards were offered and the militia was called out on certain occasions. Governor Leslie said in 1871, "In every instance brought legally to the notice of the Executive, all the means authorized by law have been employed to secure the arrest and trial of guilty parties. Rewards have been offered, requisitions issued, the militia ordered to render assistance in the arrest of criminals, and the public invoked by proclamation to discountenance the offenders, and aid in securing their punishment; and though acts perpetrated by such organized bands are decreasing in all sections of the Commonwealth, yet we cannot claim that they have entirely ceased."<sup>36</sup>

In the election of 1866, the attempt of certain leaders to divide the democratic party had to a great extent failed; but the Union wing was still far from satisfied with the management by the Southern element. In the election of a United States senator in the early part of 1867 these two wings ran separate candidates, while the radicals ran a third. Powell was run by the Southern wing, while Garret Davis was the candidate of the Union wing. The radicals stood for various men during the long period over which the voting was carried. Although Powell always commanded a plurality, he was unable to secure a majority. After twenty ballots had been taken, the two democratic factions came together and agreed on Davis. This was in one sense a victory for the Union wing, and it was thought that this would go a long way in bringing that faction back into complete harmony with the party.<sup>37</sup>

The democrats it seemed would now enter the coming campaign and election for Governor, Legislature, and Congressmen with a united front. Their convention was held in Frankfort on February 22, 1867, and the Southern wing with its skill and daring took complete control and nominated a ticket that was declared by the rest of the state to be "rebel throughout." John L. Helm was the nominee for governor and John W. Stevenson for lieutenant-governor.<sup>38</sup> The party expressed its sentiments on the main issue of the times, thus, "We declare that the attempt that is now being made by Congress to reduce ten states in this Union to mere territorial dependencies, and to hold them as subjected provinces under the iron heel of military despotism, is not only the greatest political outrage that was ever attempted in this country, but a malicious and flagrant violation of the Constitution and in direct conflict with the decision of the Supreme Court of the United States."<sup>39</sup> The Union faction was completely disgusted at this "theft of all the offices by the rebels." Led by Jacobs, Bramlette, and others it broke away from the democrats and began a movement to put a ticket of its own in the field. A call for a convention was made and an address issued to the people. It said in part, "No matter what may be his views as to the future policy of the Government; no matter what he has risked, or what he has suffered for the advocacy of kindness and magnanimity to the South; no matter how true he may be to Southern interests, still if he was opposed to secession and rebellion, and favored the Union cause, he was to be proscribed by that party."<sup>40</sup> Their convention met in Louisville in April and nominated W. B. Kinkead for governor. The radicals, having decided to tone down in their advocacy of the extreme measures of the Congressional leaders, met in Frankfort in February, nominated Sidney M. Barnes for governor, and resolved, "That we declare our opposition to

<sup>36</sup> *Kentucky Yeoman*, Dec. 6, 1871.

<sup>37</sup> *Cincinnati Daily Commercial* through January, 1867; Collins, *History of Kentucky*, I, 176; *American Annual Cyclopaedia*, 1867, p. 421.

<sup>38</sup> For a characterization of the whole ticket see *Cincinnati Daily Commercial*, Feb. 28, 1867.

<sup>39</sup> *American Annual Cyclopaedia*, 1867, p. 422.

<sup>40</sup> *Cincinnati Daily Commercial*, March 16, 1867.

the policy and projects of the rebel Democracy in Kentucky in their effort to render treason respectable at the expense of the brave men who wore the blue. \* \* \*<sup>41</sup>

One of the outstanding points in the campaign was the Fourteenth Amendment, with the radicals defending it against the democrats and the democratic union conservatives, as the former Union wing of the democrats called themselves. The first test of strength came in the Congressional election, which took place in early May. The regular democrats made a clean sweep, electing all nine of the Congressmen. According to the press account, "The election for Congressmen is over, and as might have been expected, loyal Kentucky has gone overwhelmingly for the rebels. Not one district has been carried not even a Councilman or a 'Squire elected. \* \* \* Kentucky is today as effectually in the hands of the rebels as if they had every town and city garrisoned by their troops. With a rebel Governor, rebel Congressmen, rebel Statehouse and Senate, rebel Judges, rebel Mayors, rebel municipal officers, rebel policemen and constables, what is to become of the poor blacks and loyal white men God only knows."<sup>42</sup> The election in the following August gave the radicals fresh cause for feeling the pangs of defeat, for never in the history of the state since the days of Federalism had a party been so completely worsted by another. The regular democrats carried the state by an overwhelming majority over their combined opponents. The radicals polled only 33,939, which was more than 24,000 fewer than the preceding year when they were aided by the Union wing of the democrats, and over 8,000 fewer than in 1865, when they ran alone. The Democratic Union Conservatives polled few over 13,000 votes for Kinkead. Well might the radicals feel that the "Dutch have carried Holland again." A Frankfort editor said, "The 'Lost Cause' is found again in Kentucky."<sup>43</sup> Another observer said, "Kentucky failed to secede in 1861. By a strange conjunction of circumstances what the rebels failed to do in that year, they freely realized in the year 1867."<sup>44</sup>

Kentucky had so completely turned against the Congressional leaders and their whole program that there soon arose a cry to reconstruct the state, to place it under the Reconstruction Acts. This movement was aided by many Kentucky radicals, who saw in that method the only way to secure control. The correspondent to the *Cincinnati Daily Commercial* said, "To have been consistent, she ought to have seceded with the other Southern states. In that event she would have been whipped with them, and now permitted to enjoy the privileges and immunities of the Reconstruction Act."<sup>45</sup> One of the radical candidates for Congress, who had been defeated, declared, "Kentucky needs reconstruction, and must have it. She is today the most disloyal of all the states. Today she is more hostile to the national authority than any other state. Today she openly and flagrantly defies the laws of the nation's Congress."<sup>46</sup> The discontented radicals soon caught the ear of Charles Sumner, the radical leader in the United States Senate. He declared, "Nothing can be more certain than that Kentucky at this time, is without a republican form of government."<sup>47</sup> The first move was made when Congress met in a special session in July, 1867. A resolution was adopted to refer the credentials of the Kentucky members-elect to the Committee on Elections as "the legal voters \* \* \* have been overawed and prevented from

<sup>41</sup> *Lexington Observer and Reporter*, March 6, 1867; *American Annual Cyclopaedia*, 1867, p. 423.

<sup>42</sup> *Cincinnati Daily Commercial*, May 13, 1867.

<sup>43</sup> *Semi-Weekly Frankfort Commonwealth*, Aug. 9, 1867.

<sup>44</sup> *Cincinnati Semi-Weekly Gazette*, March 27, 1868.

<sup>45</sup> May 25, 1867.

<sup>46</sup> *Lexington Observer and Reporter*, May 22, 1867.

<sup>47</sup> *Cincinnati Daily Commercial*, May 31, 1867. Letter to Brisbin.



a true expression of their will and choice at the polls by those who have sympathized with or actually participated in the late rebellion." <sup>48</sup> A committee was appointed to visit Kentucky and inquire into the loyalty of the people and report on the conditions in the state. The work of this committee led nowhere; and eventually most of the democratic congressmen were seated. There can be little question that there was a well-laid plan by certain radical leaders in Kentucky and the radical leaders in Congress to bring the state under the Reconstruction Acts. But it was so clearly evident that Kentucky was honestly and peaceably overwhelmingly Southern in sentiment that no unusual election frauds had been used, that Congress feared to engage in so unwarranted a program as to reconstruct a state which had never seceded.

The Legislature elected in the autumn of 1867 met in the following December in no happy frame of mind toward the radicals. It condemned the attempt to reconstruct the state, and proceeded to rake the past for material to use against the whole course of the Federal Government in the state since 1861. The military regime was again examined, and the old contest with Burbridge reopened. The Fourteenth Amendment had already been indignantly rejected, and the Fifteenth was now treated likewise. <sup>49</sup> The case of Judge Joshua F. Bullitt was resurrected and he was given complete exoneration. In 1864, Burbridge had sought to arrest him, despite his high position on the bench of the Court of Appeals, but the judge had escaped to Canada. In 1865, the Legislature investigated the subject, and declared that his place on the bench was vacant, not for the reasons urged by Burbridge that he was disloyal, but solely on the count that he had himself vacated it since he had fled the state. <sup>50</sup> Regardless of the fact that there was no urgent reason for taking up the question now, the Legislature believed it was due Judge Bullitt that justice should be done him in the records. A resolution was passed declaring that whereas he had been forced "by military despotism" to leave the state, and as the civil authorities were under the domination of the military, the address of the governor removing him from office was unjust, "and the proceedings of the said General Assembly against him were a violation of the spirit of the Constitution (which guarantees to every man a fair and impartial trial); a flagrant outrage upon his Constitutional rights; a manifest violation of all rules of equity and justice, and an insult to the honor and dignity of the Commonwealth of Kentucky." <sup>51</sup>

The political hold of the democrats on the state was not shaken for years to come and their complacency of mind was not to be disturbed until the Fifteenth Amendment gave them a scare with negro suffrage in 1870. By the end of 1867 the Democratic Union Conservatives had agreed to come back within the democratic fold, with the understanding that they should be given more influence in the party councils hereafter. As Governor Helm died five days after his inauguration, Stevenson became governor during the interval until a new election should be held. The next year (1868) was important in the political affairs of the state as the presidential election came in addition to the special gubernatorial contest. In the early part of the year Thomas C. McCreery was elected to the United States Senate to fill the unexpired term of James Guthrie, who had resigned on account of ill health. The Union candidate, Sidney M. Barnes, received only nine votes to 110 for McCreery. Preparations were made early in the year for the gubernatorial election. The democrats, now united, nominated Stevenson, and the radicals chose R. T.

<sup>48</sup> *Congressional Globe and Appendix*, 40 Cong., 1 Sess., 468.

<sup>49</sup> *Acts of Kentucky*, 1869, pp. 119, 120. This was done in its session of 1868-1869.

<sup>50</sup> *Cincinnati Daily Gazette*, June 1, 1865.

<sup>51</sup> *Acts of Kentucky*, 1867, pp. 116, 117. Dated March 6, 1868.

Baker. The latter party had reached a rather low ebb in its fortunes, and during the campaign it failed to develop as great activity as had characterized it heretofore. It, therefore, should have caused little surprise anywhere, when on August 3, the democrats carried the state by the greatest majority in the history of the party, and the radicals fell to a new low level. The democratic majority was 88,965—Stevenson receiving 115,560, and Baker, 26,605. This unprecedented majority was surprising to the democrats themselves. A Lexington editor said, "We have known that a mighty evolution was going on in the minds of the people against radical rule, but we did not think, encouraging as everything seemed, that Stevenson would receive a larger majority than ever before was given to any candidate for office in Kentucky."<sup>52</sup> The presidential election in November brought out a considerably larger vote for the radicals but not sufficiently important to prevent the state from going for Seymour by more than 75,000 majority.<sup>53</sup> The democrats also succeeded in electing a full delegation to Congress. In the elections of 1869 the democrats succeeded in driving the radicals to new low levels in their popular vote and in their representation in the Legislature. The democrats easily elected the state treasurer, J. W. Tate, with their opponents polling only 24,759 votes for E. R. Wing. The radicals succeeded in electing only eight members to the House, and holding two in the Senate. This Legislature in its first session elected Governor Stevenson to the United States Senate to take office in 1871.

The radical party in Kentucky had now sunk to about the limits necessary for existence, and it was plainly evident that something would have to be done to resuscitate it and put it on the highroads to power and respectability among Kentuckians. It would have to abandon the extreme radicalism of the Congressional group, from whom it had largely taken its inspiration in time past. The national political situation made this transition easy. With the inauguration of Grant as President, Congress ceased to stand apart in its leadership and more conservatism was soon apparent in the treatment of the South. A saner program and abler leaders became apparent about this time, and the so-called radical party was metamorphosed into the republican party of today. Such conservative men as John M. Harlan made the real republican party in Kentucky. There was also a gleam of hope in the enfranchisement of the negroes, who would vote for the first time in the elections of 1870. If this question were tactfully managed the republicans could expect to come within striking distance of offices from which they had long been far removed.

But negro suffrage was a dangerous political experiment for a party to hope to profit by in Kentucky. The negro question in its various aspects had been a continuous firebrand throughout the war and after. The democrats looked with many misgivings on this sudden enfranchisement of former slaves not only as an unwise political experiment, but also as a danger to their continuance in power. It was of no avail to them to condemn this brazen attempt to subvert a people and destroy their civilization; something had to be done in a practical way to stay its progress as far as possible. It was, of course, taken as an established conclusion that the negro vote would go to the republicans; but some democrats held that their party should not spurn negro votes nor assume such an attitude as would make it virtually impossible for a negro to vote the democratic ticket. Henry Watterson was using the power of his pen in the *Courier-Journal* to set the democrats into a reasoning attitude on this subject as well as in other respects. He would have them recognize the results of the war whether they liked them or not. The *Frankfort*

<sup>52</sup> *Lexington Observer and Reporter*, Aug. 8, 1868.

<sup>53</sup> *Tribune Almanac*, 1869.

*Weekly Commonwealth* declared that the *Courier-Journal* and the democratic party were "quarrelling over the valley of dry bones. The former is solicitous to cover them up and forever hide their repulsive vision from the sight of men, while the latter are as determined that they shall not be covered up but remain as idols of worship and objects of profound contemplation and personal adoration among the unregenerated at heart."<sup>54</sup> Although the democrats were accused of reorganizing the militia to resist negro suffrage, there was no intention of using force to keep the negro from the ballot box. To those well versed in the law and the constitution, there were many ways suggesting themselves for handling the problem. The charters of some cities were changed in such a way as to leave out of the corporation the section inhabited by negroes. Nicholasville thus escaped negro domination.<sup>55</sup> Lexington received a revised charter, which moved up the election to a date before the negro suffrage should become effective and increased the term of her officers to three years.<sup>56</sup> Danville used the most clever evasion. Her charter was amended to require three years residence for voting and to give the right to citizens of the county to vote in the municipal elections if they owned real estate in the city, "including the owners of Cemetery lots." The three years residence requirement excluded for the time the large number of negroes who had recently flocked to Danville, and the real estate clause allowed county citizens to buy four-inch strips of land in the city and thereby exercise the right of suffrage there.<sup>57</sup>

The democrats saw the election approaching with much trepidation. They strengthened their organization as far as possible and sought to reason with the negroes. Suffrage they declared would get the colored man nothing worth while but would likely cause him much trouble. Should negro workmen, they asked, expect to continue in the employment of their democratic friends if they should use the ballot against the best interests of those who made it possible for them to live? The democrats also sought to stir up trouble for the republicans by urging the negroes to demand a division of the offices and to seek political equality along all lines with their republican allies. A Georgetown editor dared "the radicals of Fayette or Scott to be just to the negro by nominating him for office."<sup>58</sup> Of course, the republicans could not jeopardize their white following by placing negroes on their ticket. The same disturber of the republicans exclaimed, "Negroes! you have been cheated by your professed friends. You have a large majority in the party and can control its action. You are entitled to a majority of the nomination, and you have been put off with idle promises."<sup>59</sup> The republicans sought to hold the negroes true to them and consoled themselves with the thoughts that "Elections in Kentucky hereafter won't be the one-sided affairs of 1867, 1868, and 1869."<sup>60</sup>

The first elections of 1870 were for county officers, which took place in August. None of the dire results or political overturns that had been both hoped for and feared came to pass. On the contrary there were few disturbances and the democrats won as usual, but with reduced majorities. The democrats had successfully kept down the negro vote by election tricks. Negroes were questioned long and extensively before being allowed to cast their ballots; they were made to produce tax receipts, and in general the handling of the negroes was done with great

<sup>54</sup> July 22, 1870.

<sup>55</sup> *Acts of Kentucky*, 1871, I, 4.

<sup>56</sup> *Cincinnati Semi-Weekly Gazette*, Jan. 25, 1870.

<sup>57</sup> *Acts of Kentucky*, 1871, I, 2, 252, 253; *Frankfort Weekly Commonwealth*, Feb. 24, 1871, Aug. 5, 1870.

<sup>58</sup> *Georgetown Weekly Times*, June 8, 1870.

<sup>59</sup> *Ibid.*, June 1, 1871.

<sup>60</sup> *Louisville Commercial*, Feb. 11, 1870.

delay. It was declared by the republicans that whites were passed by the ballot box about four times faster than negroes. Even the critical *Cincinnati Daily Commercial* could say of the fairness of the election, "There was a wholesome respect for the law, and a resigned spirit of obedience to existing statutes. Various dodges were resorted to to keep the blacks from the polls, but there were but few instances where a colored vote was rejected, when it was apparent that the voter was in all particulars qualified."<sup>61</sup> The democrats felt that their worst fears had not been justified and were able to dismiss the subject thus: "We have seen it and had it—negro suffrage in all its gorgeousness and have smelt it in the passing breeze."<sup>62</sup> A few negroes voted the democratic ticket, and were rewarded with new suits of clothes and flaming neckties to be the envy of many of their republican friends.<sup>63</sup>

In November the Congressional elections were held and the immediate results of negro suffrage on the strength of the republican vote is very clearly shown, according to the following table:

Congressional District	Vote in 1868	Vote in 1870
I .....	1,731	2,913
II .....	3,538	5,490
III .....	2,303	5,657
IV .....	1,751	3,831
V .....	1,525	5,426
VI .....	6,183	4,578
VII .....	2,373	10,916
VIII .....	9,861	12,202
IX .....	6,551	6,242

But despite the addition of negro votes the democrats won all nine Congressmen, carrying the state by a total majority of over 31,000.

In 1871 the first gubernatorial election under negro suffrage was held. The republicans were distinctly on the road to greater influence and power in the state. The *Louisville Commercial*, the first republican daily newspaper of high standing to be established in the state, was started about this time and it began a campaign to put the party on a higher plane. It advised the republicans to ostracise the self-seeking so-called leaders who were attempting to use the negro vote for selfish ends. It also asked the negroes particularly to avoid them. The party sought to banish from its program the meaningless sectional issues used to fan into flames national prejudices and to confine its discussions to problems of direct interest to the state. Railroads should be encouraged and schools should be aided. John M. Harlan was nominated for governor and the party now began to play a new role with new leaders. An optimistic republican in the *Louisville Commercial* said of the new prospects, "The long, dark, dreary night of republicanism in Kentucky is fast passing away; the grey streaks which foretell the coming day are plainly visible over the murky horizon, and if we act wisely, ere long our sun will shine forth in noonday splendor."<sup>64</sup> Harlan carried out a vigorous campaign, causing the democrats much worry and concern. Preston H. Leslie was nominated by the democrats on a platform which looked to the past more than to the future. The republicans sought to inject the question of the Cincinnati Southern Railroad into the campaign and promised their willingness to aid this great undertaking if

<sup>61</sup> Aug. 8, 1861.

<sup>62</sup> *Georgetown Weekly Times*, quoted in *Cincinnati Daily Commercial*, Aug. 8, 1870.

<sup>63</sup> See *Georgetown Weekly Times*, Aug. 3, 1870.

<sup>64</sup> Nov. 5, 1870.

given power.<sup>65</sup> The democrats won by over 37,000 majority, but the republican vote jumped up to almost 90,000. The republicans also elected eighteen members to the House of the State Legislature. A Cincinnati editor said, "One more time and we shall fetch them. \* \* \* The Kentucky democracy cannot stand another victory like that of this year."<sup>66</sup> Due to democratic dissensions in the state and nation, the republicans lacked less than 12,000 votes to carry the state for Grant against Horace Greeley.

Out of the hatreds and dissensions, confusion and corruption of this period following the war, two parties had evolved which by 1872, had run out of war issues and were now ready to contest the power of the state government on questions and problems of concern to Kentucky alone.

The social and economic development during this period had been beset with much the same confusion that had marked the political evolution. Too often political animosities were not allowed to stop with politics but were protruded into the social and economic life of the people. Too often did the radicals complain that they were ostracised socially and boycotted in trade and commerce. The labor situation was highly uncertain with a continually moving population of newly freed negroes drifting about and roving over the state to forever remind themselves that they were actually free and need work no more. The Freedman's Bureau did more harm than good, due to mutual misunderstandings. Farmers for a time debated dispensing altogether with dependence for labor upon the negroes and importing whites from whatever region possible or Chinese coolies. Up to 1867, in education the state had made no progress since 1861; indeed, it had scarcely recovered from the ravages of the war. But under the driving force and energy of Z. F. Smith, the superintendent of public instruction, the schools were put on a better basis. The tax rate was increased to 20 cents on the \$100 of property, and with increased funds the whole system was set going again with vigor. Just as Robert J. Breckinridge had founded the public school system of the state, Zach F. Smith refounded and remade it after the blight of war had all but destroyed it. Attempts to stir up enthusiasm for woman suffrage afforded only amusement for a people busied with other problems of real importance. The prohibition movement was received with more interest and consideration and made no mean headway. The livestock business gradually recovered after the state had been abandoned by the hungry armies, and before the end of the decade Texas cattle were being shipped in to be fattened before their final journey to market. The agricultural and livestock fairs returned to play a prominent part in agricultural advancement as well as in social betterment. New industries grew up and old ones enlarged themselves, and by 1870 the state was manufacturing products to the annual value of almost \$55,000,000. Scarcely had the fighting ceased when the states seemed to have suddenly discovered its unbounded opportunities in developing its hidden mineral wealth and other natural resources. A mania burst forth for securing charters for oil wells, coal mines, and for running turnpikes to the most inaccessible regions. In the session of the Legislature beginning in December, 1865, more than sixty charters were granted to oil companies, about eighty-five to oil and mining companies, and thirty-five to turnpike companies. Improvements on the rivers were also being made, as a greater amount of coal began to float down from the mountains of the eastern part of the state.

Despite the inability of the state to collect much of the debt owed by the Federal Government for services rendered and material bought

<sup>65</sup> See next chapter.

<sup>66</sup> *Cincinnati Semi-Weekly Gazette*, Aug. 8, 1871.

during the war, the state auditor stated in 1871 that "There are few states, if any, in the Union whose finances are in as sound and healthy a condition as those of Kentucky, and whose taxes are so small."<sup>66</sup>

With all her economic progress and its problems, there was no question more interesting or important to the state than railroads. The *Kentucky Yeoman* declared: "School-houses follow the railroad, and ignorance flees before it. With intelligence comes virtue, and with virtue happiness."<sup>67</sup> The development of the state's railroads gives an index into her whole economic progress, and for this reason the two great lines of railways around which all others hinged are dealt with at considerable length in the following chapter.

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<sup>66</sup> From auditor's report, quoted in *Georgetown Weekly Times*, June 21, 1871.

<sup>67</sup> Sept. 26, 1871.

CHAPTER LXV  
COMMERCIAL RELATIONS BETWEEN THE OHIO VALLEY  
AND THE SOUTH—1865-1872

I

LINES OF TRADE

During the early days of transportation in the Mississippi Valley the general direction of trade ran north and south. This was so from necessity as long as commerce was carried on the river system. Under these conditions New Orleans grew to be the great export metropolis for the whole interior region. Along with her prosperity induced by this traffic, went the commercial well-being of the whole South, encouraged and aided by the same cause. But this export trade in time came to be of much less importance and worthy of less interest than a large and growing commerce confined to the limits of these general regions. When Eli Whitney invented the cotton gin he made possible the future development of the South along its peculiar lines. Within a few decades the people had turned their interests and energy almost wholly to the raising of cotton, largely neglecting the necessary food products. A great agricultural region was here producing much less food than it consumed.

Just the opposite conditions prevailed in the Ohio Valley and to the north and west. Around 1825 this region was growing corn for sale at twelve cents a bushel and wheat selling for relatively little more. The elements were present in this situation for the growth of a traffic with the South that should carry with it great potentialities along many lines. The South soon saw the possibilities. She could now devote her sole energies to cotton culture and continue as long as she could maintain her commercial connections with the Northwest. There grew up not only commercial attachments between these two regions; but there also came strong political alliances, as were clearly shown in many elections. In the early period, rivers and canals were the highways of this traffic.

With the coming of the railways, a tendency, begun by the Erie Canal, was greatly accelerated. The trunk lines now began to drain the products of the Northwest direct to the Atlantic seaboard. The great lines of traffic were thus beginning to run east and west. This carried with it tremendous possibilities, both commercial and political. The Northwest began to find that its existence was bound up with the South less than formerly. It was weaned away from the South sufficiently to prevent it from leaving the Union and joining the Southern Confederacy in the Civil war.

But these later trade developments interfered very little with the old inter-regional trade, in which the South was little less dependent upon the Northwest for food products than the latter was still dependent upon the South for a market. The Eastern markets were very important, but the Southern markets were still of commanding concern.<sup>1</sup> Both regions equally recognized their inter-dependence. The South was

<sup>1</sup> Our export trade to Europe in food products did not assume large proportions until much later (in the eighteen-hundred-eighties).

particularly aggressive. She saw more than commerce in the situation; she saw votes she so sorely needed in the sectional political struggle. When the trade going to the East threatened to disrupt this dream, the South began a counter-move in the construction of north and south lines. John C. Calhoun saw the great advantage of connecting the South Atlantic seaboard with the Ohio Valley, by a railroad to run from Charleston to Cincinnati. The interest of the South Atlantic states continued in this project through many vicissitudes down until the Civil war when more weighty problems engaged their attention. Other projected lines were more successful. The first land granted in aid of railway construction went to the Illinois Central and to the Mobile and Ohio railways, both of which had connected with the Gulf of Mexico by 1861. By the same time the Louisville and Nashville Railroad had pierced the South. Through the use of this road to Nashville and other connections on by way of Chattanooga and Atlanta the Atlantic seaboard was reached at Savannah.

The Civil war not only did not destroy this sectional inter-dependence, but by breaking the connections, showed how fundamentally necessary it was to the continued economic well-being of both. The insurmountable difficulties that were encountered by the Federal Government during the struggle not to absolutely prohibit commerce but to control it, gives eloquent proof of the enduring character of the economic situation. The Federal Government was so firm a believer in the absolute necessity of this commerce that it never completely prohibited it. The private trader was so thoroughly convinced of its necessity that he paid little attention to the multifarious and complicated acts of Congress, presidential proclamations, treasury rules, and interpretative orders of commanders in the field, which attempted to place certain restrictions upon this trade.<sup>2</sup>

With the end of the war, came the full rights of re-establishing trade relations with all parts of the country. The productive forces, which had for the past four years been turned toward war, were now vigorously directed into peaceful pursuits. New life seems to have taken hold of the people as they set about rebuilding. A sense of years of losses entailed by the war was an added impetus toward speeding all processes. The war had given people new ideas and feelings. A restlessness had grown up among them which must find an outlet. The experience of seeing and doing things on a broader scale gave them a broader outlook. The commanders of soldiers became organizers of business and industries on a larger scale. Their experiences as army commanders gave them organizing ability and ambitions for bigger conquests in the industrial and commercial world.

Building up new transportation facilities held out a challenge to be met. During the period of the Civil war, there was a very small mileage of railways built. Much use had been made of the rivers in troop movements as well as in commerce. So, when the war was over, the rivers remained as a very important factor in moving commerce. The old steamboat lines on the Ohio and Mississippi rivers were kept running and new lines were being added. A line running to the very frontier advertised itself thus: "Ho, For the Gold Mines Ho, The Montana & Idaho Transportation Co., for Ft. Benton and all points in the Gold Mining Districts."<sup>3</sup> By the end of the decade (1870) the commerce carried on the Ohio River still amounted to \$900,000,000 annually.<sup>4</sup>

<sup>2</sup> For a wider discussion of these problems, see E. M. Coulter, "Commercial Intercourse with the Confederacy, 1861-1865," in *Mississippi Valley Historical Review*, March, 1919; also by the same author, "Effects of Secession upon the Commerce of the Mississippi Valley," *Ibid.*, Dec., 1916.

<sup>3</sup> *Cincinnati Commercial*, April 27, 1867.

<sup>4</sup> *Scribner's Monthly*, December, 1874, Vol. 9, 136.



But the heyday of river trade had been reached in 1860, the banner year for the steamboat business.<sup>5</sup> The traffic thereafter was due largely to the war and the re-adjustments following it. The greater amount left on the rivers was made up of bulky materials, especially coal. By the last half of the decade a revolution was well on the road to consummation, a movement not produced by the war but rather delayed by it. But the war had a telling effect on the whole situation. The change, although not caused by the struggle, was vastly different from what it might have been had there been no war. Railroads had now definitely come to take the place of rivers. New lines of railway could be built anywhere. Courses of traffic might be induced or existing tendencies recognized. River towns had owed their sole prosperity to the fact that they were favorably situated, gradually decayed. New centers grew into importance wholly apart from trade routes and tendencies that had existed before the war. Railways were now to either make or mar many cities.

Not only had the railway caused a profound change in the internal trade situation in the Mississippi Valley, but the South, itself, was vastly different from what it had been before the war. Its whole economic system had been changed. The large plantations with their peculiar wants were gone; the fact that the slave had been changed into a free man was making for a different kind of trade. Wealth was greatly dispersed. The small country cross-roads store was taking the place of the plantation supply house. Business methods must now be changed. Prior to the war merchants and planters came to the central cities to buy, and they did business generally on a year's basis of credit.<sup>6</sup> A few cities had come to be the distributing centers for the whole South. New Orleans had been the great metropolis in the final retail distribution to the plantations for much of the South. Most of the finer goods had come from the North down the valley to be distributed from that city. Of her up-river traffic, at least seventy-five per cent had been shipped down. Only coffee and other tropical products and heavy wares had entered New Orleans from the sea.<sup>7</sup>

St. Louis, Cincinnati, and Louisville had been the main distributors for the trade entering the South from the interior. They had understood the wants of that trade, and had catered especially to them.<sup>8</sup> The Northern cities had had little if any of this trade owing to these peculiar conditions. They had especially feared sending their goods into the South and waiting a year for payment.<sup>9</sup> One of the very first effects of the railway was to dissipate the hold these three cities had had upon that region. No longer could a few cities by their favorable river location hold almost exclusively great areas within the grasp of their commerce. The only qualification now was proper railway connections; so the more northern cities now began to seek out this trade. Another very important influence that made the competition for the commerce of the South more keen among the northern cities was the new method of selling goods. The commercial traveler sprang into being, and carrying his samples to the door of the humblest establishment, brought his

<sup>5</sup> William F. Switzler, *Report on the Internal Commerce of the United States*, 1888, 49 Cong., 2 Sess., H. R. Ex. Doc. 7, Pt. 2, 121.

<sup>6</sup> Joseph Nimmo, Jr., *Report on the Internal Commerce of the United States*, 1881, 46 Cong., 3 Sess., H. R. Ex. Doc. 7, Pt. 2, Appendix No. 6, 168.

<sup>7</sup> Norman Walker, "Commerce of the Mississippi River from Memphis to the Gulf of Mexico," in Wm. F. Switzler, *Report on the Internal Commerce of the United States*, 1888, 205, 215.

<sup>8</sup> Joseph Nimmo, Jr., *First Annual Report on the Internal Commerce of the United States*, 1876, 44 Cong., 2 Sess., H. R. Ex. Doc. 46, Pt. 2, 77.

<sup>9</sup> Nimmo, *Report on the Internal Commerce of the United States*, 1881, Appendix 6, 168; *Ibid.*, Appendix 24, 78.

business house into competition with the commercial establishments in the most favorably situated cities.

The South offered a virgin region for the extension of trade. She was, indeed, not wealthy after having gone through a devastating war, but she still raised valuable crops which must find markets, and she still had to be supplied with many kinds of commodities. Her potentialities were great, and these were evident to those seeking the southern trade.<sup>10</sup> The mental attitude of the Southerner was propitious. The war was being forgotten as fast as possible by the business men. In their business dealings and discussions, they resented the mentioning of the past unpleasantness.<sup>11</sup> Realizing that they had great commercial possibilities, they welcomed the establishment of trade relations. But they felt that aid from the North must be secured in building their railroads to make connections with the outside world; and for this aid they worked vigorously.<sup>12</sup>

The South was not simply lying idly by waiting for Northern traders to come down and establish relations. The spirit of sectional unity and the desire to dominate certain trade movements was not dead. Great commercial conventions attended by representatives from throughout the Mississippi Valley were held. Every movement that looked toward the betterment of the valley transportation and trade was considered. Railways, river improvements, immigration, and a hundred other subjects were discussed. In 1869, there were four such conventions held.<sup>13</sup> The South still hoped to be the outlet for the valley especially for grain and the heavier articles. It still considered the Mississippi River the cheapest and best highway for the export trade of the valley. De Bow wrote in 1868, "If we succeed in securing the outlet and negotiation of this vast commerce, it will bring us Capital, votes in Congress, diplomatic treaties. We shall vote with the Northwestern Millions, and they who have refused to sanction negro suffrage among themselves will not suffer it to be imposed upon us. We look, then, to the Mississippi as our mighty liberator and deliverer, and will back him against all the icebergs from Mackinack to Alaska, and all the frost-bitten Canadians who scheme to drain him into the St. Lawrence."<sup>14</sup> That the South was having some success in this movement is implied in this report of the Milwaukee Chamber of Commerce: "Your committee would take this occasion to say further that there is already a stronger combination at work for the purpose of diverting the business of the Upper Mississippi to the East and Europe, via New Orleans, and they are actually now shipping our wheat, flour and corn in that direction, and unless something is done to cheapen the expense of transport from the lake ports to tide water, that much of the business that now goes to support our railroad, our warehouses, our shipping on the lakes—will be taken from us. \* \* \*"<sup>15</sup>

The far-reaching changes brought about by the shifting of trade routes from rivers to railways and the metamorphosis of the South itself, thus caused an entirely different trade situation in the Mississippi Valley. The railways laid the South open to the commercial inroads of many Northern cities to compete with the few border cities who had dominated heretofore. But that part of the South lying south of the Ohio and east of the Mississippi rivers came to be peculiarly dominated by two cities, Louisville and Cincinnati. And this was so because of their peculiar situation both by river and railroad. Here their bitterest rivalries took

<sup>10</sup> *Ibid.*, Appendix 6, 170; *Cincinnati Commercial*, Dec. 8, 1868.

<sup>11</sup> *Ibid.*, Oct. 20, 1869; Sept. 30, 1870.

<sup>12</sup> *Cincinnati Commercial*, Oct. 18, 1867, *passim*.

<sup>13</sup> *Cincinnati Semi-Weekly Gazette*, May 28, 1869; *American Annual Cyclopaedia, and Register of Important Events*, 1869, 114, 117.

<sup>14</sup> *De Bow's Review*, New Series, Vol. 5, January-June, 1868, 442.

<sup>15</sup> *De Bow's Review*, New Series, Vol. 5, January-June, 1868, 442.

place. In fact the commercial life of this region revolved around the moves and machinations of these two cities. The commercial history of the Ohio Valley for the decade after the Civil war is the history of Kentucky and her chief city, Louisville, in their rivalry with Cincinnati, and an important phase of the commercial history of the lower South is a recounting of the interaction of these forces in the Ohio Valley.

## II

### LOUISVILLE AND HER RAILROAD CONNECTIONS

The region subject to the immediate rivalry between Louisville and Cincinnati was Kentucky. But the cupidity of these two cities could not be confined to so restricted an area. Their commercial growth and their consequent ambitions for more, soon caused the fight to be carried far to the south. Outside of that part of the state directly south of Cincinnati, the commercial transactions were centered in Louisville, largely because of her very favorable railway connections. This city had consciously grown up with the purpose always in mind of dominating the trade of the state with as great a portion of all other trade of the Ohio and Mississippi valleys as possible; but the State of Kentucky was always considered to be her territory by pre-emption. When Cincinnati attempted to gain a bigger portion of the Kentucky trade and, indeed, secure the trade of the South, she found a vigilant and relentless rival in Louisville. Thus it came about that for a decade or more following the Civil war, the commercial situation in this region was linked inseparably with the rivalry of two cities. Neither would make a move without reference to its bearing on the other; and every movement made by one was sure to be checkmated by the other. This rivalry was more bitter than generous, and often it was so petty and puerile as to become ridiculous. But, however amusing it may have been at times, it was always serious; for this was a battle for an immense trade.

Louisville commercially was Kentucky commercially. All Kentuckians were proud of her, and gloried in her prosperity. Even in her troublous times to come, some never lost faith in her future.<sup>1</sup> The city had had a consistent but not spectacular growth. From 1820 to 1870 she grew by decades, from 4,000 to 10,000 to 21,000 to 43,000 to 68,000 to 100,000.<sup>2</sup> She was able to re-adjust her trade during the war and conform to war times. Her property assessments increased from \$37,000,000 in 1860 to \$51,000,000 in 1865.<sup>3</sup> So when the war was over she was ready to enter into the fight with a determination to hold and extend her Kentucky commerce and to regain and increase her Southern trade.

The "Falls City," as she liked to be called, was well fitted to engage in this struggle. Before the war she had traded almost exclusively with the South. She believed her destiny as a commercial city lay with that region, and so she made no efforts to cultivate trade relations north of the Ohio River. During this period her commerce was almost ex-

<sup>1</sup> When the movement was on foot in the West to move the national capital from the seaboard, a Kentuckian suggested Louisville: "If the time should ever come in the history of our future when the flag of our Capitol is removed from the banks of the Potomac, I believe that there is no place within the bounds of the Mississippi Valley that would be more suitable for it than to have it floating above the roofs of the Falls City." *Cincinnati Commercial*, Dec. 1, 1870.

<sup>2</sup> E. A. Ferguson, *Founding of the Cincinnati Southern Railway* (Cincinnati, 1905), 6. A comparison of Louisville's population with other cities is also given here.

<sup>3</sup> *History of the Ohio Falls Cities and their Counties, with Biographical Sketches* (Cleveland, 1882), Vol. 1, 222-231; *Merchants' Magazine and Commercial Review* (Hunt's), Vol. 56, 330. Of course some of the increase must be attributed to the cheaper money in which it was valued.

clusively carried on by steamboats. It was by nature a distributive trade. Many of the constituents of her commerce came from the North and East, and she became merely the great distributing point to the southward. In this business her methods were her own; she had little competition from Northern cities.<sup>4</sup> During this period she had largely supplied the South with hardware, farm implements, blue grass seeds, dry goods, and clothing, and groceries.<sup>5</sup>

With the end of the war at hand, there came the necessity for many readjustments. Commercial connections must be re-established with the South, but now on a different basis. The value of the rivers was going fast, and with it was going the distinctive distributive commerce that had been the almost exclusive business of Louisville. The active competition of Northern cities was an entirely new factor. The railways soon began to dissipate her monopoly on the Southern trade; and numerous smaller centers for distribution sprang up. Her river commerce soon became of little importance in extending or even holding her Southern markets.<sup>6</sup> It became immediately necessary for the city to foster railway connections with the South, and incidentally to do this with as little advantage to her rivals as possible. Another important problem was to thoroughly reconstruct her own economic organization. The railways had made large centers depending upon distributive commerce for prosperity an impossibility.<sup>6a</sup> Such prosperity at best was precarious. Instead of a distributive trade it now became necessary to build up a productive commerce, a more solid and lasting basis for continued prosperity. More people would share in it and it would not be so intimately bound up with the necessity for a wide market. She increased her manufactories and imported less for distribution, more than doubling the former from 1860 to 1870.<sup>7</sup> In 1867 she had 419 establishments for making form utilities to add to the prosperity already enjoyed in making her place utilities.<sup>8</sup> By 1869 an important change in her commerce had been worked. The value of her exports was almost double her imports.<sup>9</sup> Her productive forces had brought about the change. But distributive forces had to continue unabated in order to make her productive forces possible. During September of 1869 the sales of six of her leading dry goods merchants amounted to an average of \$200,000 each.<sup>10</sup> Her pork packing gradually decreased during the decade, due mainly to the rise of the packing centers in the Northwest where corn for feeding hogs was much cheaper.<sup>11</sup> Louisville was the market for almost the entire crop of Kentucky tobacco. Out of 66,000 hogsheads raised in 1861, 50,000 went to Louisville.<sup>12</sup> She manufactured much of this tobacco, while the remainder was disposed of to buyers who came from all parts of the world. Her system of warehousing and selling was different from that pursued by other cities. It was considered the most equitable of any system used, and for this reason it appealed

<sup>4</sup> Cincinnati was in effect a southern city.

<sup>5</sup> She also stood pre-eminent in supplying many other minor necessities. Joseph Nimmo, Jr., *Report on the Internal Commerce of the United States*, 1881, Appendix 6, pp. 137, 138.

<sup>6</sup> *Scribner's Monthly*, December, 1874, Vol. 9, 137.

<sup>6a</sup> The railways had not yet begun the practice of building up great distributive centers by manipulating the rates on car-load and less-than-car-load lots.

<sup>7</sup> Henry A. Dudley, "Commerce of the Ohio River and of the Bridges which Cross It, from Pittsburg to Cairo," being Appendix, Part IV, in Wm. F. Switzler, *Report on the Internal Commerce of the United States*, 1886, 49 Cong., 2 Sess., H. R. Ex. Doc. 7, Part 2, 473.

<sup>8</sup> *Merchants' Magazine and Commercial Review* (Hunt's), Vol. 56, 1867, p. 331.

<sup>9</sup> *Cincinnati Commercial*, Aug. 25, 1869.

<sup>10</sup> *Ibid.*, Oct. 18.

<sup>11</sup> Joseph Nimmo, Jr., *Report on the Internal Commerce of the United States*, 1881, Appendix 6, 162, 163; *Cincinnati Daily Gazette*, Jan. 5, 1865.

<sup>12</sup> *Scribner's Monthly*, December, 1874, Vol. 9, 138.

to buyer and seller alike. When it is taken into consideration that the tobacco crop was worth more to Kentucky than the combined value of all other crops, the importance of this industry to the city and to the state becomes evident.<sup>13</sup>

The greatest need of Louisville and her most pressing problem was to establish adequate railway connections with those regions with which she desired to trade. She expected to regain through railroads the favorable trade position which she had held by nature as long as the rivers were the determining factor in commercial relations. But the movement for a railway connection with the South had not been delayed until the rivers had begun to lose much of their importance. It had been evident in the early '50s that a railway connection would greatly strengthen Louisville's position. It would also make that city in truth the gateway to the South. It would establish the only connection west of the Alleghenies, between the network of railways north of the Ohio and the Southern system. This was, indeed, a move of undreamed importance to the city. Pursuant to this idea, work was begun on a railway in 1851 to run from Louisville to Nashville, a distance of 185 miles. The Falls City immediately identified herself with the project by voting a subscription on June 17, 1851 of \$1,000,000.<sup>14</sup> The main line was finished and opened for through business on November 1, 1859. It had been promoted by Louisville people, was largely owned by Louisville people, and it was popularly known as the "Louisville Road."<sup>15</sup> The city regularly received cash dividends from the road, being one of the largest stock holders and wielding a corresponding influence in its management.<sup>16</sup> It was in fact Louisville's strong arm in grasping the Southern market.

From the very beginning the road was a financial success. From October 1, 1860, to June 30, 1861, the net earnings were \$461,970.42, representing fifty-seven per cent of the gross earnings.<sup>17</sup> And with the political uncertainties of 1861, the traffic greatly increased. For April and May of that year the freight earnings almost trebled that of the preceding month.<sup>18</sup> Nearly all the traffic was going south, most of it having started from Louisville. The South was stocking up preparatory to war. On this point the annual report of the railroad for 1861 says: "Of the through business proper, between Louisville and Nashville, 95 per cent of the revenue was from freight received at Nashville, and only 5 per cent from that forwarded or originating at Nashville. Hence, of every one hundred cars loaded at Louisville for Nashville ninety-five were returned empty: that is, the company performed 95 per cent of the train service northward for through business, or 47½ per cent of the whole, without any compensations."<sup>19</sup> During the war the road was, of course, subject to military control; and, indeed, it suffered much damage through the exigencies of warfare. After the war the company spent more than a half-million dollars in restoring and reconstructing it.<sup>20</sup>

<sup>13</sup> H. A. Dudley, "Kentucky," Appendix in Wm. F. Switzler, *Report on the Internal Commerce of the United States*, 1886, 49 Cong., 2 Sess., H. R. Ex. Doc. 7, Pt. 2, 604.

<sup>14</sup> 1851—*Fiftieth Anniversary of the Service of James Geddes with the Louisville & Nashville Railroad Co.* (Proceedings of a banquet held Sept. 2, 1901, at Nashville, Tennessee), 17.

<sup>15</sup> *The Cincinnati Southern Railway, A History*, edited by Chas. G. Hall (Cincinnati, 1902), 30.

<sup>16</sup> *Louisville Municipal Reports for the Fiscal Year Ending December 31, 1867*, 8.

<sup>17</sup> *Annual Report of the President and Directors of the Louisville and Nashville R. R. Company*, Oct. 1, 1860, to June 30, 1861, 17.

<sup>18</sup> *Ibid.*, 18, 21.

<sup>19</sup> *Ibid.*, 19.

<sup>20</sup> *Annual Report of the President and Directors of the Louisville and Nashville R. R. Company*, Oct. 1, 1860, to June 30, 1861, 20; *Affairs of Southern Railroads*, 39 Cong., 2 Sess., H. R. Doc. No. 34, 1866, 1867, 640.

Immediately after the war Louisville in connection with the Louisville and Nashville Railroad began anew the extension of the spur railways running to the southward. In 1860 a branch had been extended so as to connect with Memphis, thus giving Louisville an all-rail route to Mobile and New Orleans.<sup>21</sup> Numerous feeder lines had also been started along the route in Kentucky. A branch had been finished to Lebanon in 1857, the Bardstown Branch was acquired in 1865, and the Richmond Branch was opened in 1868.<sup>22</sup> The extension of these branches was a vital problem for Louisville. Most of them ran to the east ready to tap the rich Blue Grass region with its fertile farms, and the timber and coal lands farther eastward. These extensions would bring this region more securely under the control of Louisville and prevent Cincinnati from extending her influence there. The Lebanon Branch was considered the most important. But Falls City with her excellent southern connections was still remote from the South Atlantic regions. She could reach that section only by way of Nashville, Chattanooga, and Atlanta. Furthermore, to reach the Virginia seaboard, she was compelled to use the same round-about course to Chattanooga and thence along the Virginia and East Tennessee Railroad. By an extension of the Lebanon Branch across the mountains eighty-seven miles to Knoxville, this railroad would be tapped, thus greatly shortening the distance.<sup>23</sup> Realizing the great importance of this extension Louisville in 1867 subscribed \$1,000,000 toward its completion.<sup>24</sup> When the road was finished to Richmond (Kentucky) in 1868 an excursion of 200 people from Louisville travelled over the road to that place where a great reception was held, with festivities lasting over two days.<sup>25</sup> This movement was hailed in Central Kentucky as affording the long hoped-for outlet for its products.

By 1866 Louisville by means of the Louisville and Nashville Railroad had excellent connections with the South in general. Albert Fink, the general superintendent of the road, speaking of Louisville's excellent connections said: "With a direct through line to Memphis, reaching by connecting lines into Arkansas and the far Southwest, and commanding the travel and trade of the lower Mississippi and closely connected by railroad with New Orleans, with the shortest connection with Montgomery, Mobile and Pensacola, by way of Nashville and Decatur, with uninterrupted rail connections with Atlanta, Savannah, Charleston and Norfolk, Louisville would certainly be in a condition to obtain a large share of the trade of the South; and this, in connection with the large local business that must flow into the city from all sections of the State traversed by her roads, will make her ere long one of the most important commercial and manufacturing cities of the Union."<sup>26</sup> Louisville was anxious for these connections to be extended and consolidated. The

<sup>21</sup> Joseph Nimmo, Jr., *Report on the Internal Commerce of the United States*, 1881, Appendix 6, 169, 170.

<sup>22</sup> H. A. Dudley, "Kentucky," Appendix in Wm. F. Switzler, *Report on the Internal Commerce of the United States*, 1886, 607; *Merchants' Magazine and Commercial Review* (Hunt's), 1867, Vol. 46, 329.

<sup>23</sup> *Affairs of Southern Railroads*, 642, 643; *Cincinnati Daily Gazette*, Nov. 16, 1866; *Cincinnati Commercial*, June 19, 1867.

<sup>24</sup> *Ibid.*, Nov. 19, 1868; Lewis Collins, *Collins' Historical Sketches of Kentucky. History of Kentucky to 1874* (Covington, 1874), Vol. 1, 176.

<sup>25</sup> *Cincinnati Commercial*, Aug. 3, *passim.*, 1867.

<sup>26</sup> "Report of Albert Fink, General Superintendent," July 1, 1866, in *Affairs of Southern Railways*, 644. Louisville secured the following connections as indicated: Jeffersonville Railroad and the Madison and Indianapolis Railroad opened in 1847; Ohio and Mississippi, 1857; Louisville and Nashville Railroad, 1859; Louisville, Cincinnati and Lexington, 1869; Louisville Paducah and Southwestern, 1874; to Atlantic Ocean by the completion of the Steubenville and Indiana Railroad, 1858; and to most southern points by the completion of the Louisville and Nashville in 1859. Joseph Nimmo, Jr., *First Annual Report on the Internal Commerce of the United States*, 1876. Answers by C. H. Pope.

City Council in 1871 voted \$375,000 to aid the Louisville and Nashville Railroad in procuring the Nashville and Decatur Road, for fear that Cincinnati would acquire it and use it against her interests.<sup>27</sup> Cincinnati was conscious that her greatest rival was expediting every effort to complete her southern connections. The *Railroad Record* said, "In the meanwhile, Louisville, which in no way can rival Cincinnati if Cincinnati puts forth its strength, has wisely, and with great sagacity, put forth her energies, and got the Kentucky Legislature to do the same, in making her communication directly with the entire South."<sup>28</sup>

Louisville was not content with having better connections with the South than any other Ohio Valley city; she hoped to be the center for roads in all directions. She was largely actuated in her rail activities in other regions by the desire to check-mate Cincinnati. She intended first to make her position as secure as possible in Kentucky. Any railroad project that would give her better connections with the Blue Grass region, which lay south of Cincinnati and was largely tributary to that city, was given a careful hearing. Shelby wanted better railway connections with Louisville. The county voted \$300,000 for such a railroad, and the *Shelby Sentinel* hoping to secure aid from the Falls City began to prepare the way: "We feel the deepest interest in the prosperity of the city, we are proud of her; and while some portions of the State seem disposed to harass her with hostile legislation, in Shelby she has a firm friend and ally."<sup>29</sup> A proposal immediately went up from Louisville to vote a subscription of \$100,000.<sup>30</sup> She also had many other projects of this kind in mind. In 1870 the City Council and the Board of Trade made a trip to Frankfort to encourage the construction of a railroad from that place to Paris.<sup>31</sup> She was also sending out her tentacles to the West. In 1869 she voted \$1,000,000 to the Elizabethtown and Paducah Railroad.<sup>32</sup> She was also keeping in mind the construction of a railway eastward to connect with the Atlantic seaboard at Norfolk. As previously noted, the extension of the Lebanon Branch of the Louisville and Nashville Road, was one of her pet schemes. Other companies independent of the Louisville and Nashville also kept the project in the foreground.<sup>33</sup> But the ambitious Falls City was not content to let all her connections lie south of the Ohio River. The *Courier-Journal* urged the construction of a road to Vincennes as "The trade from this region of country, what there is of it, now goes to Cincinnati, and the proposed road would not only divert it to this city, but would develop a large business which now only exists in a latent state."<sup>34</sup> By the end of 1868 Louisville had succeeded in establishing through car service to New York, a very important addition to her northern connections. The *Western Railroad Gazette* remarked, "The new line will be of very great importance to Louisville,

<sup>27</sup> *Cincinnati Commercial*, April 22, 24, 1871. A news dispatch from Nashville said, "Louisville is making a strong effort to secure a lease on the road to Decatur. . . . It will require prompt action on the part of Cincinnati to prevent it." *Ibid.* April 13, 1871.

<sup>28</sup> Quoted *Ibid.*, Nov. 17, 1868.

<sup>29</sup> *Cincinnati Commercial*, May 22, 1869.

<sup>30</sup> *Ibid.*, July 9, 1869.

<sup>31</sup> *Ibid.*, Aug. 19, 1870. This is a typical beginning for a Board of Trade resolution: "Whereas, we deem it a duty to the commercial interests of our city and State to secure all outlets and inlets to commerce and trade, as well as to aid, with whatever means we have, in establishing facilities of communication with all sections either to the ocean or to the gulf. . . ." *Ibid.*, June 11, 1868.

<sup>32</sup> Collins, *History of Kentucky*, Vol. 1, 189.

<sup>33</sup> *Cincinnati Commercial*, Jan. 9, 1869; May 12, 1871; *De Bow's Review*, New Series, Vol. III, 1867, 292, 295.

<sup>34</sup> *Merchants' Magazine and Commercial Review* (Hunt's), Vol. 56, 1867, 330; *Cincinnati Commercial*, Nov. 18, 1868.

which has more complete connections than any other southern city, and needs a line to New York as a feeder to these lines." <sup>35</sup>

Louisville was willing to make any connections either by water or by rail that would secure a market; and especially was she desirous of keeping Cincinnati out of the rich central Kentucky farming region, and, indeed, the mineral lands of the eastern mountains. Her contemplated aid toward improvements in the Kentucky River brought this editorial comment from the *Cincinnati Commercial*: "If we do nothing, Louisville will probably secure such an interest in the company as will enable her to discriminate against us, and secure a trade we cannot well afford to lose." It, furthermore believed that this project if duly aided by Cincinnati would "establish a lasting competition with the railroad monopolies now controlling Kentucky commerce at extravagant charges." <sup>36</sup>

Louisville was, thus, very liberal in her subscriptions to railways, especially when there was any possibility of their helping her. The fame of her generosity spread. Not only delegations from Kentucky sought her aid; but Tennessee commissions came asking subscriptions. <sup>37</sup> As a direct result of her liberality, she found herself most excellently connected with Kentucky and the rest of the South. In 1876 she had direct access by railroad to seventy-five counties and by water to thirty-three more "thus making 108 out of 117 counties of the State subsidiary to her commerce." <sup>38</sup> But for these conveniences she had paid \$8,190,000. <sup>39</sup> In time opposition to this lavish use of the city's credit began to spring up from many of the city's larger property holders, who were bearing much of the burden of taxation. <sup>40</sup> The mayor in his annual message of January, 1871, called a halt: "We should be very cautious about burdening ourselves any further with taxes in aid of railroad enterprises.

\* \* \* Unless we see a pressing necessity for building a road in order to prevent our trade being diverted to other channels or unless it is to open up a section that has no good outlet, and whose trade we can thereby secure, we should look for unaided private capital to build new roads." <sup>41</sup> The indebtedness of the city at that time was about five million dollars. <sup>42</sup>

With these connections all tending to center in Louisville, she came to hold the commerce of Kentucky at her mercy. She also held a strategic position in competing with her rivals in the Southern trade. The Louisville and Nashville Road was the secret of the city's excellent position in all lines of traffic. City and railroad worked together for each others interests. The prosperity of one was the prosperity of the other. The president of the Louisville board of trade, in referring to this identity of interests, said: "That road has been properly termed 'Louisville's greatest adjunct' \* \* \* With pride I have watched its success and the accommodating spirit with which it has extended branches, like arms, in different directions, to bring new trade from new districts to Louisville—its foster-mother—to repay her for her nursing care and saving help, when the road was struggling for existence." <sup>43</sup>

<sup>35</sup> *Western Railroad Gazette* (Chicago), A. N. Kellogg, editor and proprietor, Dec. 19, 1868.

<sup>36</sup> *Cincinnati Commercial*, Aug. 25, 1869.

<sup>37</sup> A Tennessee delegation came up from Gallatin wanting aid in building a railroad from Lebanon, Kentucky, to Gallatin, *Ibid.*, Aug. 29, 1867.

<sup>38</sup> *Centennial Report of the Business of Louisville, Ky., the Cities of New Albany and Jeffersonville, Ind., and the Mineral and Agricultural Resources of the State of Kentucky* (Louisville, 1876), compiled by A. Hogeland, 6; *Scribner's Monthly*, Vol. 9, December, 1874, 139.

<sup>39</sup> Reuben T. Durett, "The Centenary of Louisville," in *Filson Club Publications* (Louisville, 1893), No. 8, 110.

<sup>40</sup> *Cincinnati Commercial*, Jan. 13, 1868.

<sup>41</sup> *Louisville Municipal Reports for the Fiscal Year Ending December 31, 1870* (Louisville, 1871), 17.

<sup>42</sup> *Cincinnati Commercial*, Jan. 11, 1871.

<sup>43</sup> *Ibid.*, May 22, 1869.



With this perfect harmony between the two, and with the mutual advantages each was receiving from the other, the road entered upon a period of wonderful prosperity. From 1865 to 1870 the road more than doubled the number of its freight cars, and still it was unable to haul the freight offered.<sup>44</sup> The fiscal year ending June 30, 1865, saw the re-adjustments of the railroad to peace conditions. During the first six months of this year, the receipts were almost two million dollars; but during the last half of the year the receipts dropped more than a million dollars. This was due of course, to the loss of the large business incident to fighting the war in the South.<sup>45</sup> But the receipts for the following year were still much higher than they had been at the beginning of the war. There was an increase of 182 per cent in freight receipts, 103 per cent in local passenger and 400 per cent in through passenger receipts over the year ending in 1861.<sup>46</sup>

There is no better index into the business conditions of Louisville than a further examination into the earnings and dividends of this railroad. The net earnings had increased from \$75,000 in 1858 to \$1,142,000 in 1870.<sup>47</sup> Up to 1868 the capital stock was only \$5,000,000. At that time an increase of \$5,000,000 in capitalization was granted by the Legislature. But even with this increase the actual cost of the property was over thirteen million dollars.<sup>48</sup> In this year a 40 per cent dividend was declared. Still, during the period following, "by the construction of new and the acquisition of other lines, the value of the railroad property and its capacity to earn had increased out of all proportion to its stock debt."<sup>49</sup> The high water mark was reached in 1880 when a 100 per cent dividend was declared.

With such prosperity the railroad felt no duty to conciliate or grant favors to anyone outside of Louisville. On account of this attitude much opposition grew up against this all-absorbing corporation that held the outlets of the state in its grasp. Central Kentucky which was none too well served in her connections with this railroad, found much to criticise in these huge profits. A Lebanon citizen claimed that the "Louisville and Nashville Railroad make us pay just what they please, and we are bound to submit to it. They run to their own time, and have their own way, and we have to submit; and how much this Louisville and Nashville Railroad has made! I do not think I could make any man believe in the enormous profits of that road, for they are truly fabulous.

The gentleman has been in this city who owns stock for which he paid the trifling sum of \$200, that today is worth \$5,000 paying him six percent all the time."<sup>50</sup>

Although the Louisville and Nashville Railroad was yearly granting better rates, there grew up bitter opposition. The rate per ton mile was reduced from 5.37 cents in 1865 to 3.01 cents in 1870.<sup>51</sup> But the average

<sup>44</sup> H. V. Poor, *Manual of the Railroads of the United States*, 1871, 1872, 122, 123, 216. In 1865 the freight cars numbered 524; in 1870 they numbered 1,177. The tonnage in the latter year was 438,413. The total number of cars was 1,264. *Census 1880, Transportation*, 252.

<sup>45</sup> *Annual Report of the President and Directors of the Louisville and Nashville Railroad Company*, July 1, 1865, to June 3, 1866, 6.

<sup>46</sup> *Affairs of Southern Railroads*, 629, 631, 634.

<sup>47</sup> 1851—*Fiftieth Anniversary of Services of James Geddes*, 37.

<sup>48</sup> *Ibid.*, 18, 19. Instead of including all net profits in dividends, much was often expended in bettering the condition of the road.

<sup>49</sup> 1851—*Fiftieth Anniversary of Services of James Geddes*, 19. In 1880 the cost of the Louisville and Nashville road had reached \$18,585,135, representing \$9,520,135 in excess of the outstanding stock. This is very striking when compared to the excesses in the other direction later, when the "watered stock" practices began.

<sup>50</sup> *Cincinnati Commercial*, May 9, 1869.

<sup>51</sup> 1851—*Fiftieth Anniversary of Services of James Geddes*, 38.

man was not pacified by such reductions when he saw what seemed to him to be gross inequalities. He knew nothing about rate making; through freight rates and way freight rates meant the same to him. Discriminating rate to points enjoying the competition of other railroads, while more excusable still appeared to him to be grossly unjust. There is little doubt but that the Louisville and Nashville became unduly tyrannical where there was no competition. A Kentucky representative denouncing the road for its discriminations, charged that a farmer of Barren County sent ten hogsheads of tobacco to Louisville, paying a rate of 35 cents the 100 pounds. The same tobacco was purchased by a New Orleans buyer, and the same rate was granted to New Orleans.<sup>52</sup> A complaining farmer, said, "We cannot devote our time and means to raising stock and tobacco and then give all the profits to wagons and the Louisville and Nashville Railroad to carry it to market for us."<sup>53</sup>

Central Kentucky, especially the Blue Grass region, was thoroughly aroused over conditions. There was no outlet to the southward except by way of Louisville over the Louisville and Nashville Road. Adequate provision was not made for the transportation of live stock from this region to the important southern markets. These people believed they were contributing to Louisville's prosperity without just returns. A discontented Kentuckian wrote, "Our mules, hogs, bagging, fine cattle, horses, agricultural implements, flour and bacon are all taxed by Louisville in their transit through her. Her warehouses and commission merchants, their transfer lines, omnibuses and drays, drivers, her laboring poor and well-fed rick, all nibble at our cheese."<sup>54</sup> It was in central Kentucky especially that the Louisville and Nashville Road had occasion to grant special rates to certain points having other outlets. The Kentucky Central Railroad ran down from Cincinnati into this region and tended to bind it to that city. In order to counteract this influence the Louisville and Nashville Road offered better rates to Stanford and Richmond, which came under the grasp of the Kentucky Central, than to points nearer to Louisville, having connections only with that city.<sup>55</sup>

Kentucky communities were not alone in their indictment of what they called the "nefarious rate-makings" of the Louisville and Nashville Railroad. Cincinnati was one of the most interested of all, as this road was her chief highway to the South. As it was to Louisville's interests to keep Cincinnati out of the southern markets, she made certain that the Louisville and Nashville Road would grant no favors in rates to that city. The Cincinnati rates were made by adding the Cincinnati-Louisville River rate to the rate from Louisville to the final destination. This, of course, always placed a handicap on Cincinnati of the river rate to Louisville. Or as it often happened in actual practice, "the rate between Cincinnati and competing points was made by adding an arbitrary rate between Cincinnati and Louisville to the rate from Louisville to such points."<sup>56</sup> These rates placed Cincinnati in a very unequal position in any competition with Louisville, who received all the blame as the instigator of these rates. The *Cincinnati Commercial* said of this combination of city and railroad, "The Louisville and Nashville Railroad is run in the interest of Louisville, and that it is the determination of its managers to perpetuate that policy, there can be but little doubt. \* \* \* If Louisville is to exact tribute from all Kentucky in this way, the State might as well be

<sup>52</sup> *Cincinnati Commercial*, May 9, 1869.

<sup>53</sup> *Ibid.*, Jan. 14, 1871.

<sup>54</sup> *Cincinnati Semi-Weekly Gazette*, March 11, 1870.

<sup>55</sup> *Cincinnati Commercial*, May 22, 1869. It was claimed that Lebanon had to pay for car-load lots to Louisville \$34; while Stanford and Richmond, which were farther away, paid only \$28.

<sup>56</sup> Joseph Nimmo, Jr., *Report on the Internal Commerce of the United States*, 1881. 90; *The Cincinnati Southern Railway, A History*, edited by Chas. G. Hall, 31.

fenced in and let the commerce of the rest of the world pass around it."<sup>57</sup> It was common knowledge to Cincinnati that "her freights were delayed, the rates furnished unsatisfactory, and the facilities supplied inadequate."<sup>58</sup> It was testified before the Cullom Committee investigating interstate commerce that there were gross discriminations in favor of Louisville as against all other places.<sup>59</sup> The railroad was described by one who had doubtless suffered at its hands as follows: "\* \* \* Opu-  
lent and powerful from high rates of transportation and a virtual monop-  
oly of trader southward \* \* \* impoverishing the farmers along its  
route by failing to provide the means of transportation for their grain  
crops at such prices as will compensate them to send their crops to  
market; subsidizing by favors, after the Erie fashion, prominent and less  
prominent members of the Legislature, the Louisville and Nashville Rail-  
road Company, with that soulless characteristic that attaches to most  
corporations, is prepared to exact its gigantic powers to the injury, not  
only of Cincinnati, but of a very large section of Kentucky."<sup>60</sup>

Louisville was not oblivious to the bitter enmity she was stirring up within the state. She cared nothing for the hostility of Cincinnati; but she could not afford to lose Central Kentucky. The Louisville and Nashville Road had gone so far in its discriminations in rate-makings that it began to alarm even Louisville. The president of the board of trade warned the road not to stir up further enmity, and counseled lower rates and a conciliatory attitude. "Further evidence of this hostility," he said, "is exhibited in the almost spontaneous movement of the people, in favor of building new roads, the completion of which will be far more detrimental to the interests of the Louisville and Nashville Railroad than would be any concession in the way of reduction of freight, as a matter of policy, sufficient to conciliate the disaffected."<sup>61</sup> The road not only did not succeed in alleviating the discontent; but it even managed to stir up opposition within Louisville itself. A considerable faction there thought that the road was not charging high rates in order to help the Louisville merchants, but that this was incidental to that road's desire to make money. So Louisville soon began to fear that this incidental advantage was overbalanced by the bitter hostility that was being stirred up throughout the state.<sup>62</sup>

It is, thus, evident that Louisville in the years directly following the war, established her railway connections throughout the South; that she had by liberal contributions and subscriptions brought most of Kentucky under her commercial supremacy; and that through the lack of other great railways leading southward had secured the most strategic position of any city competing for the southern trade.

It becomes necessary now to note more particularly the success she had in re-establishing her southern commercial relations. Louisville was

<sup>57</sup> *Cincinnati Commercial*, Oct. 4, 1869.

<sup>58</sup> Joseph Nimmo, Jr., *Report on the Internal Commerce of the United States*, 1879, in H. R. Ex. Doc. 32, Part 2, 45 Cong., 3 Sess., Appendix 18, "Information furnished by Mr. Sydney D. Maxwell, superintendent of the Cincinnati Chamber of Commerce in regard to the Southern Trade of that City," 173.

<sup>59</sup> *Report of the Senate Select Committee on Interstate Commerce* (Testimony), in Sen. Doc., No. 46, Part 2, 49 Cong., 1 Sess. (Cullom Report), 1383, 1384.

<sup>60</sup> *Cincinnati Commercial*, Dec. 4, 1869.

<sup>61</sup> *Ibid.*, May 22.

<sup>62</sup> *Cincinnati Semi-Weekly Gazette*, Sept. 10, 1869. The mayor in his message of January, 1872, called attention to this growing conviction on the part of the Louisville merchants: "There are frequent and loud complaints from our merchants and shippers that the only direct outlet that they have to the South is controlled adversely to their interests; and, in short, that the corporation that was built up by Louisville men, Louisville money, and Louisville trade, has failed to pacify the just and reasonable expectations of the city of Louisville and other friends." *Louisville Municipal Reports for the Fiscal Year Ending December 31st, 1871* (Louisville, 1872), 28, 29.

in almost every respect much more fortunate than her chief rival, Cincinnati. She was a southern city, her trade before the war had been almost exclusively with the South, and she had the first railway connection with that region. In the days before the Ohio River had been bridged, the very fact of her situation south of the river was no mean advantage in her competition with Cincinnati. Being a southern city she was much more sympathetic with the South, and the South in turn could look upon her with more friendship. In time of crop failures in the South, she was generous in her aid to the poor there. In 1866 she sent about \$2,500 to the poor in Atlanta alone.<sup>63</sup> When southern statesmen and confederate generals died she could with perfect honesty and sincerity close her business houses and go into mourning.<sup>64</sup>

Immediately on the close of the war she began her relentless campaign for southern trade. According to the hostile *Kentucky Statesman*, "Her merchants go South and appeal to the disloyalty of their political record to seduce custom, and when they find that the South demands a better market than she affords, it again appeals to the more sectional feeling at home to prevent that South from getting to that market."<sup>65</sup> She soon adapted herself to the new conditions and to the new methods of selling. She no longer waited for merchants to come to her doors; she hired thousands of commercial travellers "whose chief credentials", according to a Cincinnati critic, "lay in having been in the rebel army."<sup>66</sup> Her drummers worked for the interests of the whole city as well as for their individual houses. If a drummer of hardware could sell a consignment of groceries for a Louisville house, he always took the order and passed it on to the Louisville groceryman.<sup>67</sup> The city also began to spend large sums of money for advertising. According to a Cincinnati observer, "her merchants advertise more than Cincinnati merchants. \* \* \* In addition to that, she has an army of drummers continually on the go through the South."<sup>68</sup>

Louisville held the strategic point for all trade with the South or travel to the northward. As was remarked by one, "Its southern railroad makes it metropolitan—a funnel through which all our western longitudinal railway travel must pass."<sup>69</sup> In speaking of southern buyers, a booster for Louisville asked, "Where can they go for the thousand of engines, plantation mills, cotton gins, sugar mills, wagons, carts, plows, shovels, spades, hoes, pork, lard, bacon, beef, flour, furniture, etc., so readily as to Louisville?"<sup>70</sup> And she always made special efforts to see that the buyers who were passing through on their way to the north should never get farther than her limits.<sup>71</sup> But she was not content to rest her pros-

<sup>63</sup> *Annual Communication of the Mayor and Reports of Departments of the City of Louisville*, 1866, 22; *De Bow's Review*, New Series, 1870, Vol. 8, 147. Louisville was thoroughly possessed with the proverbial southern hospitality. Under the heading of "Freedom of the City" appear the following in the city auditor's report for 1866: For entertaining "Pioneers" of Cincinnati, \$872; for entertaining legislative committee, \$398; entertaining railroad visitors from Knoxville, \$408.10; and for President Johnson's reception, \$970.67. *Annual Communication of the Mayor and Reports of Departments of the City of Louisville*, 1866, 21.

<sup>64</sup> *Cincinnati Commercial*, Oct. 15, 1870. The death of Lee afforded one of these occasions.

<sup>65</sup> Quoted in *Cincinnati Semi-Weekly Gazette*, March 11, 1870; *Cincinnati Daily Gazette*, May 16, 1865.

<sup>66</sup> *Cincinnati Commercial*, Jan. 13, 1868.

<sup>67</sup> *Ibid.*, Sept. 3, 1870.

<sup>68</sup> *Ibid.*, June 9.

<sup>69</sup> *Ibid.*, Oct. 18, 1869.

<sup>70</sup> Richard Deering, *Louisville: Her Commercial, Manufacturing and Social Advantages* (Louisville, 1859), 27.

<sup>71</sup> According to a Cincinnati observer, "She has spread her net for the purpose of catching all the trading fish that come up from the South." *Cincinnati Commer-*

perity on her southern trade alone. She had not fostered her railway connections to the north of the Ohio River without a keen expectancy of reaping her reward in the commerce arising there. This region was, of course, not a major interest of hers; but any trade that increased the radius of her markets had a great moral effect on the city.<sup>72</sup> Especially were trade extensions into regions dependent on Cincinnati welcomed.

Louisville as heretofore stated, had a powerful friend in the Louisville and Nashville Railroad as it gave her preference on its lines. But outside of the Louisville and Nashville system she had her problems in securing equitable rates and fair treatment. Directly after the war her trade suffered in Nashville, due to the refusals of the Nashville and Chattanooga and the Nashville and Northwestern railroads to connect their tracks with the Louisville and Nashville Road. As a result Louisville's trade passing beyond Nashville was forced to pay \$10.00 a car for transferring to the other railroads.<sup>73</sup> In 1866 the Louisville chamber of commerce petitioned the Georgia Legislature to reduce the rates on the railroads of that state.<sup>74</sup> About this time Louisville was able to conclude an agreement with the Mobile and Ohio Railroad by which her freight was to be carried from ten to twenty-five per cent cheaper than like freight from St. Louis.<sup>75</sup> In order to secure fair treatment on the Eastern roads, the Louisville merchants formed a "Union Freight Association" among themselves to combat high freight rates. They kept an agent in New York City for this purpose, and later placed them in other eastern cities.<sup>76</sup> And through fear that the contemplated bridge at Newport across the Ohio to Cincinnati would obstruct her steamers, the city sent a committee to Cincinnati to protest.<sup>77</sup> In these ways and many others, Louisville was always wide awake, ready alike to defend facilities already possessed or to acquire new ones.

In keeping with this spirit, her merchants made good use of the Southern Commercial Congress, which they entertained in 1869. They took special care to produce the proper impression upon the numerous delegates, who had come from all parts of the country, hoping to make buyers of them if possible. A parade of "Louisville-at-work" was hastily improvised. Many of the city's businesses were represented in action: Bread was baked, beer brewed, and hand-bills printed as the procession moved forward. According to the newspaper reporter, it "was the greatest thing ever got up on wheels in this city."<sup>78</sup> Not to be outdone,

*cial*, June 9, 1870. Another writer pictures Louisville besetting the southern buyer in this manner: "All Southern merchants passing through to Cincinnati are most industriously and ingeniously beset to tarry there and make their purchases. This process is the great mercantile industry of the place. Cincinnati sells much the cheaper; but Louisville is very clever and pertinacious, and so consistently 'on your side, you see,' that it captures all the impressible traders. \* \* \*" *Cincinnati Commercial*, Oct. 18, 1869.

<sup>72</sup> *Cincinnati Commercial*, Aug. 19, 1870. A Cincinnati correspondent to the *Cincinnati Commercial*, Sept. 3, 1870, gives this amusing picture of Louisville's joy over an extension of her commerce: "If a merchant sells a bolt of calico or a demijohn of whisky to a customer out of the usual radius of Louisville's trade, he does not stay to wash the black from the marking-pot off from his hands before he runs to his neighbors with the good news, and makes them glad also. The tidings spread, Snooks has sold a heavy bill of goods to a merchant from Tadpole, Indiana. All the trade of Tadpole used to go to Cincinnati. An item must be made of this in tomorrow's papers. Less all take a drink to Louisville's luck; and they all drink, and the Tadpole merchant among them. The chances are that that fortunate man if he accepts everything offered him, will have enough surplus whisky and cigars to start a small grocery store when he gets home."

<sup>73</sup> *Affairs of Southern Railroads*, 642.

<sup>74</sup> *Cincinnati Daily Gazette*, Dec. 8, 1866.

<sup>75</sup> *Cincinnati Semi-Weekly Gazette*, Dec. 3, 1867.

<sup>76</sup> *Cincinnati Commercial*, July 22, 1869.

<sup>77</sup> *Ibid.*, Nov. 4, 1870.

<sup>78</sup> *Ibid.*, Oct. 13, 15, 20, 1869.

Cincinnati succeeded in getting the convention for the following year; but a friend admonished: "You intend to throw Louisville in the shade, of course; you must be up and stirring. The Falls City has done so well that the delegates are in raptures with it."<sup>79</sup>

During the years directly following 1865, Louisville was undoubtedly prosperous.<sup>80</sup> She was very successful in capturing a large amount of the southern trade. Cincinnati was forced to admit her rival's favorable trade situation in the Ohio Valley, but she claimed that it was "the Louisville and Nashville Railroad, with James Guthrie at its head, that is putting the iron spokes in the commercial wheel of Louisville. The city, of itself, has done nothing enterprising in the matter, and is less capable of such generous impulse than Cincinnati. \* \* \* If Cincinnati languishes, Louisville snores."<sup>81</sup> By the end of the decade (1870) when the Louisville monopoly was showing signs of being broken by the construction of other roads, the city's prosperity was less marked.<sup>82</sup> At all times Cincinnati preached ruin in Louisville. Her visitors consistently reported the city in distress. A Cincinnati correspondent says, "One can hardly expect the newspapers of Louisville to enlarge upon the dismal prospect, but it is cheeky in them to flippantly assail the correspondent who tells but half the truth when he says that Louisville is dull."<sup>83</sup> But it was only natural for Cincinnati to paint the picture of her rival as dismal as possible. The two cities were striving to extend their trade in the same field, with Louisville as the most fortunate contestant. But Cincinnati and her endeavors must be considered as a necessary element in the general situation.

### III

#### CINCINNATI AND THE SOUTHERN TRADE

Cincinnati at the beginning of the Civil war was the largest city west of the Alleghenies. She had grown in population by decades in the period from 1820 to 1860 as follows: 9,000; 24,000; 46,000; 115,000; and 161,000. In the latter year her clothing manufactures were three times as great as those of Chicago, St. Louis, and Louisville combined.<sup>1</sup> Her prosperity was doubtless unsurpassed in the West. One of the main causes of this commercial supremacy was her success in securing and holding her markets.

The "Queen City of the West" as she chose to call herself was, in fact, a southern city in most respects. Although situated on the north bank of the Ohio River, she was very intimately connected with the South. Her trade was almost wholly down the Ohio with that section, with which she strove to keep on good terms both politically and commercially. One of her spokesmen in 1860 said, "She has been called North during the controversy, and possibly thought that was her name; but it is a misnomer, she is not North, but West; and further than that, she is not properly

<sup>79</sup> *Cincinnati Commercial*, Oct. 18, 1869.

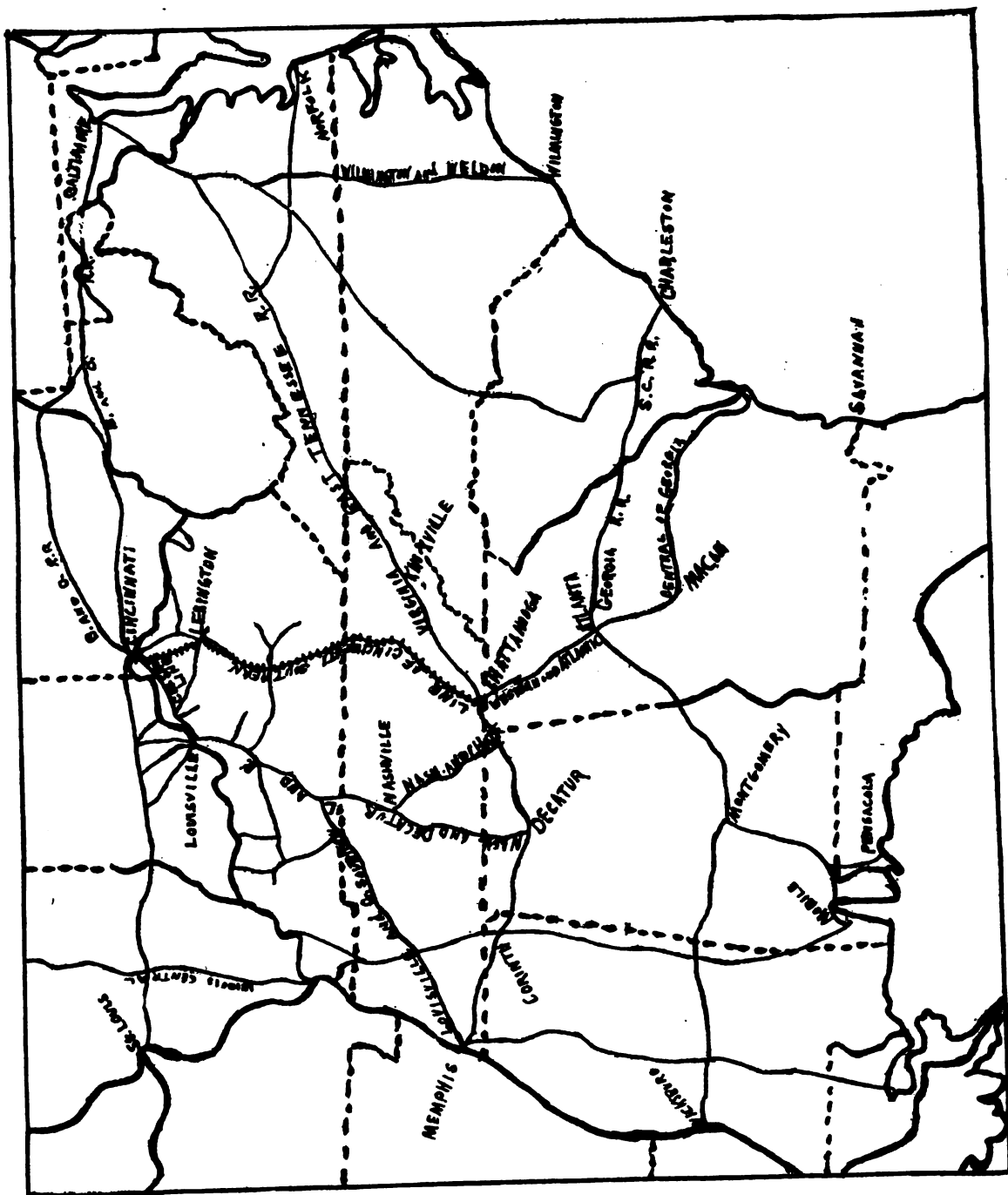
<sup>80</sup> The mayor in his message of April 16, 1868, says, "The past year has, for our citizens, generally, been a prosperous one. Great advancement in every direction, and in all pursuits, have crowned our endeavors; and although the political and financial complications existing in the country have, to some extent, depressed our trade and commerce, yet that which we have exists on a firmer basis. \* \* \*"  
*Louisville Municipal Reports for the Fiscal Year Ending December 31, 1869*, 3.

<sup>81</sup> *Cincinnati Commercial*, Jan. 13, 1868.

<sup>82</sup> *Ibid.*, Jan. 13, 1868; Jan. 11, 1871; *Louisville Municipal Reports for the Year Ending December 31st, 1871*, 30, 31.

<sup>83</sup> *Cincinnati Commercial*, Jan. 13, 1868.

<sup>1</sup> *Cincinnati Daily Gazette*, April 19, 1866.



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any party; but a natural arbiter between the parties." <sup>2</sup> The same speaker, addressing a delegation of southern visitors emphasized Cincinnati's desire to avoid the extremities of northern agitators: "In the present case, the guests we have received and listened to for several days, are *slaveholders* who are not only strangers, but are obnoxious to the over righteous residents of the free States; but they have plenty of money to buy our surplus, and they have also very valuable commodities to sell. They ask us to help them and to help ourselves, to get wiser and richer by contact than we were before. \* \* \* " <sup>3</sup> Many of her citizens fought in the Confederate armies during the war that followed. <sup>4</sup>

One of the first effects of the war was to completely stagnate the city commercially and industrially. Her southern markets slipped away almost over night. But like Louisville she soon found other activities. The war brought with it many needs that had to be filled; and none were more extensive or more important than feeding the armies. The troops in the West soon began to depend on Cincinnati as their great storehouse for supplies. And in this respect she quickly forged far ahead of Louisville. Her pork packing and various manufactories of army clothing and materials gave her prosperity greater than she had ever enjoyed before. As the South was gradually opened up by invading armies, she began to regain and to increase her river trade again. The increase of down-river commerce from 1862 to 1865, in some articles, was as high as 800 per cent. <sup>5</sup>

When the war was over, Cincinnati hoped to regain all her southern trade and again enjoy her ante-bellum prosperity with that region. As was said by a Cincinnati citizen interested in re-establishing southern trade, the "South has enriched other cities in their past, and her valuable products would again be able to do the same thing." <sup>6</sup> But the Queen City could not accommodate herself readily to the new conditions prevailing now in the South. Her moneyed men, many of whom had grown rich during the war, were more content to invest in Cincinnati property and collect rents, than to help extend the city's commerce. <sup>7</sup> Drumming and advertising were used much less extensively than by Louisville. <sup>8</sup> But she had faith in the ultimate conquest of the southern markets. Her mayor had no doubt of her future glory: "That Cincinnati is destined (if her rulers are true to the spirit of enterprise and progress) to be one of the largest inland cities of the country, and of the world, I verily believe. \* \* \* When the far South regains its former prosperity and its teeming products are brought to our doors by the swift locomotive and the ponderous steamer, the business interests of our city will be second to none other of its class in the country." <sup>9</sup>

<sup>2</sup> *The Railroad Speech delivered at the Merchants' Exchange in favor of the Knoxville Route to the Gulf*, by W. M. Corry (Cincinnati, 1860), Sept. 17, 1860, 27.

<sup>3</sup> *The Railroad Speech delivered at the Merchants' Exchange*, by W. M. Corry, 27.

<sup>4</sup> James Parton, "Cincinnati," in *Atlantic Monthly*, August, 1867, 232 *Cincinnati Daily Gazette*, April 18, 1866.

<sup>5</sup> The mayor in his annual message of April 18, 1862, spoke of the effect of the war on Cincinnati: "Our progress and prosperity have been greatly checked by the war—our trade, commerce and manufactures have been seriously interfered with; upon Cincinnati, indeed, the burden has fallen as heavily, perhaps, as on any city in the Northern States." *Mayor's Annual Message, and Reports of the City Departments of the City of Cincinnati*, April 14, 1862 (Cincinnati, 1861), 4. It should be remembered that much of the Mississippi Valley had been opened up to trade by 1862 and that Cincinnati was engaging extensively in this. Hence the 800 per cent increase has considerable significance.

<sup>6</sup> *Cincinnati Daily Gazette*, April 20, 1866.

<sup>7</sup> E. A. Jones, *The Financial and Commercial Statistics of Cincinnati* (Cincinnati, 1871), 14-16.

<sup>8</sup> *Cincinnati Commercial*, Sept. 2, 1870; Joseph Nimmo, Jr., *First Annual Report on the Internal Commerce of the United States*, 1876, 87, 88.

<sup>9</sup> *Annual Report of the City Departments of the City of Cincinnati for the*



As for tributary territory, Cincinnati could reasonably hope to hold the rich Kentucky Blue Grass region against all rivals. The Kentucky Central Railroad running south from Covington, gave her ample connections with this district. And over this line she received large consignments of corn and live-stock from the Blue Grass farmers.<sup>10</sup> She held without a rival the tobacco districts of Boone, Pendleton, and Mason counties, and shared with Louisville the Kentucky River and Owen County districts.<sup>11</sup> The Cincinnati merchants were also pushing their commercial campaign farther to the south and west in Kentucky, encroaching on the regions where Louisville claimed to hold sole sway. They identified themselves in various ways with the people there. At the Madison County Fair in 1869, they offered a prize of \$250 in a live-stock contest.<sup>12</sup>

But Cincinnati was a long time in finding her ante-bellum glory and prosperity. She could not hope to grow rich from her restricted Kentucky district alone. Her river traffic was no longer to be considered a vital element, despite the fact that some of her citizens still based their hopes on it.<sup>13</sup> Steamboats from New Orleans had dropped in number from 319 in 1848 to 76 in 1870.<sup>14</sup> The following table shows a comparison of her river and rail traffic:

	1855	1865	1875
River .....	\$20,700,000	\$ 77,400,000	\$ 43,800,000
Rail .....	18,000,000	116,200,000	157,500,000 <sup>15</sup>

Her imports and exports for the years from 1865 to 1870 show the unhealthy condition:

Year	Imports	Exports
1865.....	\$307,000,000	\$193,000,000
1866.....	362,000,000	201,000,000
1867.....	335,000,000	192,000,000
1868.....	280,000,000	144,000,000
1869.....	283,000,000	163,000,000
1870.....	312,000,000	193,000,000 <sup>16</sup>

The year 1868 was particularly oppressive. Her commercial and manufacturing interests were affected alike.<sup>17</sup>

This condition produced on the part of the progressive business men such apprehension as to the future welfare of the city. As previously suggested, she was not extending her trade because the moneyed men of the city were content to collect rents. Citizens interested in the city's

*Year Ending February 28, 1869, 4; Cincinnati Semi-Weekly Gazette, Oct. 10, 1871.*

<sup>10</sup> Collins, *History of Kentucky*, Vol. I, 174, 178, 202, *passim*.

<sup>11</sup> *Ibid.*, 185; Joseph Nimmo, Jr., *Annual Report on the Internal Commerce of the United States*, 1881, Appendix 6, 135.

<sup>12</sup> *Cincinnati Daily Gazette*, Nov. 22, 1865; *Cincinnati Commercial*, Aug. 12, 14, 1869.

<sup>13</sup> A correspondent of the *Cincinnati Commercial*, July 25, 1868, decried any dependence on the river trade: "The cry about the preservation of the Ohio River navigation is a humbug of the highest order, and the hum has lulled the city of Cincinnati so completely that the trade from the South is going around her, and, in a short time, she will be off the line of trade, inland, and visited only by antiquarians, who will write of what she once was, and what she might have been."

<sup>14</sup> Joseph Nimmo, Jr., *First Annual Report on the Internal Commerce of the United States*, 1878, 79; *Cincinnati Daily Gazette*, April 18, 1866.

<sup>15</sup> Joseph Nimmo, Jr., *First Annual Report on the Internal Commerce of the United States*, 1876, 79.

<sup>16</sup> *Ibid.*, Appendix 8, 117; *Cincinnati Commercial*, Sept. 9, 1868; Henry A. and Kate B. Ford, *History of Cincinnati, Ohio* (Cleveland, 1881), 354.

<sup>17</sup> *Cincinnati Commercial*, May 2, Sept. 9, 1868.

continued prosperity warned the capitalists that rent would soon begin to fall off, if the city did not expand. Many saw the cause of Cincinnati's stagnation in the lack of a driving genius like James Guthrie, who had built Louisville's prosperity. As remarked by one, "It is for want of a James Guthrie that a reputation of inertness has been fastened upon Cincinnati. The sweeping energy and far intuitions of one such man do more to vitalize the great enterprises without which no city can have its full expansion, than all the committees that ever dawdled into session, and shambled out after passing the pithy and feeble resolutions."<sup>18</sup>

Cincinnati was convinced that her future greatness lay in adequate business relations with the South, which she assiduously cultivated at every opportunity. When the Southern Commercial Congress met in the Queen City in 1870, she made a special effort to show her best hospitality to the visiting delegates.<sup>19</sup> She was especially desirous of surpassing Louisville who had entertained the convention the preceding year. The following entry in the city auditor's report is significant: "Paid H. B. Bissell, Chairman Committee, for expenses of entertaining Southern Commercial Congress, \$5,000.00."<sup>20</sup>

In the early part of 1870 a delegation of Cincinnati business men visited the South in order to create better commercial relations.<sup>21</sup> As an additional move in the campaign she made arrangements for a return visit of southern business men. She asked the aid of Louisville in her preparations for receiving them, believing that that city would gain from the passage through her limits of these business men. Louisville, however, refused to have anything to do with the venture, expecting and no doubt hoping that it would prove a failure.<sup>22</sup> But Cincinnati continued her efforts, and in September of the same year succeeded in having a large delegation come north. Here a most amusing side of the rivalry of the two cities was shown. Seeing that it would be a success, Louisville decided to hold the delegation a few days as it passed through to Cincinnati, and show the members her hospitality. In pursuance of this purpose she sent a reception committee to Nashville to welcome them. But Cincinnati hearing of this move, sent her reception committee of three hundred to Nashville to out-manuever the Falls City men.<sup>23</sup> Another committee was sent to Louisville accompanied by the Newport Barracks Band to pilot the southern visitors through that city "and not permit any straggling by the wayside." After many amusing incidents, Louisville was forced to give up her idea of receiving and banqueting them, and the delegation passed through securely in the hands of the up-river men. On their arrival at Cincinnati, a magnificent banquet was given them, with seven hundred and fifty merchants, manufacturers, and other important business men present. The freedom of the city was given in the literal sense of the expression. Street cars were free, the telegraph lines to the south made no charges, and the whole city was virtually placed

<sup>18</sup> *Cincinnati Commercial*, Jan. 13, 1868.

<sup>19</sup> These conventions were veritable love feasts between the North and South, where the business men of each section cheered the very mentioning of the heroes of each other in the late war, and where all vied in praising each other's noble qualities. The *Cincinnati Commercial*, Oct. 5, 1870, counseled: "It becomes us all to exercise the best graces of hospitality and engage the attention of these gentlemen in their leisure moments in such a way as will be most entertaining and pleasing to them."

<sup>20</sup> *Annual Report of the City Departments of the City of Cincinnati for the Year Ending February 28, 1871*, 85.

<sup>21</sup> *Cincinnati Commercial*, Jan. 24, 1870.

<sup>22</sup> While the Queen City was entertaining the convention, according to a news item, "Louisville was busily engaged manipulating the Kentucky Legislature" to the detriment of Cincinnati's interests. *Cincinnati Commercial*, Sept. 28, 1870; Sept. 30, 1870.

<sup>23</sup> *Ibid.*, Sept. 29, 1870.

at their disposal. Before the visitors were allowed to leave, they were significantly requested to register, giving name, address, and business.<sup>24</sup>

But good relations with the regions with which Cincinnati hoped to trade were not the most important considerations. The methods and facilities for reaching them always claimed first attention. During the early period of railroad building, the city had lent her aid to the construction of connecting links in her commerce north of the Ohio River.<sup>25</sup> By 1852 she had connected herself with the principal cities of the Atlantic seaboard.<sup>26</sup> Her railroad facilities toward the south were insignificant. As the Ohio River was still at that time the great artery to the South, she was not greatly concerned in southern railways. The Kentucky Central, running south from Covington to Lexington, having been completed in 1854, brought Central Kentucky directly south of Cincinnati under her commercial supremacy.<sup>27</sup>

After the Civil war, Cincinnati like the other commercial cities sought to secure and extend her trade by establishing railway connections. In the great consolidations and extensions of railways north of the Ohio River, Cincinnati played a smaller part than her position demanded. Boston, New York, and Philadelphia began to establish the great trunk lines into the West, with Cincinnati too far south to profit from them. Dayton, Cleveland, Columbus, Indianapolis, and other cities to the north and west, thus aided, began to encroach upon Cincinnati's actual and prospective trade in that region.<sup>28</sup> Cincinnati's policy had not been as liberal to railways wishing to enter the city as many had wished, so now she was being left out as the railways ran around her.<sup>29</sup>

As was summed up by the Cincinnati Commercial, "She is flanked on the east, north and west by hostile interests, and her only hope and safety lie toward the South. She must stretch her iron arms in that direction and draw the trade of the South to her doors, or the decline of her prosperity is as certain as any event in the future."<sup>30</sup> The South alive to her own interests was by no means passive in her attitude toward obtaining railway connections with the North. There were few projects so wild as not to be displayed before some northern city for aid. A railroad from Cincinnati directly to Norfolk engaged the attention of the Queen City at intervals. This road would give her an excellent through connection with the seaboard, eighty-three miles shorter than the Baltimore and Ohio Railroad. Norfolk sent representatives for help. Cincinnati appointed the usual investigating committee and in the words of one of the men of action in that city, "So dieth the proposition. Let us hope that the last resolution, commending a projected work, has been passed, and that no stranger will ever be so rash as to again attempt to enlist the attention of Cincinnatians in public enterprise."<sup>31</sup>

<sup>24</sup> *Ibid.*, Sept. 30, Oct. 1, 1870.

<sup>25</sup> She had aided railroads in the following amounts: Little Miami, \$100,000; Hillsboro, \$100,000; Covington and Lexington (Kentucky Central), \$100,000; Eaton, \$150,000; Marietta, \$150,000; and the Mississippi, \$600,000. By an act of the Ohio legislature, March 20, 1850, she was allowed to lend her credit to railroads not exceeding \$1,000,000. *The Railroad Speech delivered at the Merchants' Exchange*, by W. M. Corry, 11, 12. *Cincinnati Commercial*, Dec. 20, 1867.

<sup>26</sup> Joseph Nimmo, Jr., *First Annual Report on the Internal Commerce of the United States*, 1876, 85.

<sup>27</sup> Wm. F. Switzler, *Report on the Internal Commerce of the United States*, 1886, 607; *Congressional Globe and Appendix*, Part 2, 1871, 42 Cong., 1 Sess., 8; *Cincinnati Daily Gazette*, Oct. 24, 1867.

<sup>28</sup> *Cincinnati Commercial*, Oct. 24, 1867.

<sup>29</sup> Jacob H. Hollander, "The Cincinnati Southern Railway," in *Johns Hopkins University Studies in Historical and Political Science*, 19; *Cincinnati Commercial*, Nov. 24, 1868. Cincinnati was often made the butt of jokes on account of her commercial lethargy. Chicago in holding a street pageant showing the extent of her commerce addressed a pine coffin to "Cincinnati—died 1869."

<sup>30</sup> *Cincinnati Commercial*, Sept. 16, 1868.

<sup>31</sup> *Cincinnati Commercial*, Oct. 18, 24, 1867; Dec. 10, 1868.

At this time Cincinnati's only practicable route to the South was through Louisville over the Louisville and Nashville Railroad. From Louisville southward she had all the facilities in theory enjoyed by the Falls City. But her route to Louisville was round-about and irregular. She was still using the Ohio River very extensively. She also had railway connections running north of the river; but as long as there was no bridge across the river at Louisville, she enjoyed few advantages in this road. There was also a rail route south of the river by a circuitous route through Lexington and Frankfort. But the lack of a bridge at Cincinnati took much of the practical value of this road away.<sup>32</sup>

One of the solutions to this difficulty was the construction of a road running south of the river directly to Louisville with a bridge across the river at Covington. The distance by the river was 132 miles; the distance by a railroad as finally surveyed was 110 miles.<sup>33</sup> Although Cincinnati was not building the road, she was urging it forward with everything except money. By means of this road she not only hoped to extend her trade in Kentucky, but also to secure better connections with the whole South.<sup>34</sup> She believed it would make her the beginning of the southern rail-system and rob Louisville of her enviable position.<sup>35</sup> But the latter with much complacency saw the work on the road go forward. As long as the railroad must pass through her limits, she considered herself able to take care of her own interests as against Cincinnati. One of the main reasons why she evinced no hostility to the road was the fear that a road might be built to the southward which would run around her.<sup>36</sup> She also hoped through this road to get better connections with that part of the state lying south of Cincinnati. The *Louisville Journal* claimed that this movement would "divert to Louisville an immense trade that formerly went to Cincinnati by the river. In fine, the opening of this important railroad will enhance the commercial interests of our city more than will any of our numerous railroad connections, except the great head-center of them all, the Louisville and Nashville."<sup>37</sup> The road was completed on April 18, 1869, and came to be familiarly known as the "Cincinnati Short Line."<sup>38</sup>

The completion of this road was made an important occasion by both cities. The *Louisville Courier-Journal* tauntingly remarked, "It is idle for Cincinnati to hope to compete with us, and the best her business men can do is to take stock in Louisville prior to a final and fixed residence in our midst."<sup>39</sup> The *Cincinnati Semi-Weekly Gazette* retorted by calling Louisville one of Cincinnati's "flourishing suburban cities." It continued: "Friday the South Side Railroad connecting Cincinnati with Louisville and reducing the time from a whole day to four hours commenced business. This brings Louisville almost to our doors, and in proportions it shortens the time between this city and Nashville and the entire South. People can now leave Louisville in the morning,

<sup>32</sup> The Louisville bridge was not completed until 1870, and the Newport bridge across to Cincinnati was not opened to traffic until 1872. Joseph Nimmo, Jr., *First Annual Report on the Internal Commerce of the United States*, 1876, 90, 91.

<sup>33</sup> *Ibid.*, 75.

<sup>34</sup> *Cincinnati Daily Gazette*, April 6, 12, 1866.

<sup>35</sup> Speaking of Louisville, the *Cincinnati Commercial*, Jan. 13, 1868, says, "All freight must break bulk, and all passengers take a fresh start." With the completion of this road Cincinnati expected the trip from Nashville could be made from seven in the morning to nine in the evening without changing cars.

<sup>36</sup> *Affairs of Southern Railroads*, 644.

<sup>37</sup> Quoted in *Cincinnati Commercial*, Oct. 28, 1867.

<sup>38</sup> *American Annual Cyclopaedia, and Register of Important Events*, 1869, 379; Collins, *History of Kentucky*, Vol. I, 196; *Cincinnati Commercial*, April 19, 1869. This road was absorbed by the Louisville and Nashville Railroad in 1881. 1851—*Fiftieth Anniversary of the Services of James Geddes*, 31, 32.

<sup>39</sup> Quoted in *Cincinnati Semi-Weekly Gazette*, Nov. 5, 1869.

transact a day's business in this city, and returning, get back in time for supper. In addition to the large wholesale trade that this improvement will bring to our city, a large proportion of the ladies of Louisville will do their shopping here." <sup>40</sup>

As a fitting celebration of the occasion the Louisville City Council travelled over the new line to Cincinnati. A banquet and reception were given them by the Queen City, at which the generous rivalry of the two cities stood out in every conversation. <sup>41</sup> The city spent \$1,600 in entertaining them. <sup>42</sup> On their return trip the Louisville visitors were banqueted by Covington. <sup>43</sup> And now for a time the social activities of the cities became of chief importance. The Covington and Newport city councils immediately returned the Louisville visit. They took occasion to tell the Louisville Council that they had no spirit of rivalry against "the chief metropolis of Kentucky." <sup>44</sup> Cincinnati soon began preparations for visiting Louisville. The United States Mail Company invited the city council to make the trip on one of their finest steamers. While the council was discussing the advisability and propriety of celebrating the opening of a railroad by taking the trip on a river steamer, a councilman suddenly discovered that Louisville had not invited them. They solved the dilemma by indefinitely postponing the trip. <sup>45</sup> A few weeks later, upon the receipt of Louisville's invitation, the Cincinnati councilmen made the trip, going over the "Short Line." Louisville received her visitors with her accustomed hospitality. Mayor Bruce, being at that time too sick to receive the councilmen, sent his greetings, closing with the reminder that he was "satisfied that you will ever find in us honorable rivals in trade, and that you have seen enough to assure you that Louisville is a city within itself, and suburban to no other." <sup>46</sup>

But Cincinnati's rejoicing ended when the "Short Line" attempted to lay its track into the limits of Louisville. The managers of the road had expected to enter that city and connect directly with the Louisville and Nashville Railroad, and thus afford a continuous all-rail route from Covington, opposite Cincinnati, to New Orleans. <sup>47</sup> But Louisville was not ready yet to grant so great an advantage to Cincinnati's commerce with the South. And furthermore a considerable amount of business in the city consisted in transferring freight. An observer waxed absurd in describing the situation: "They are the great American bulk-breakers here. They revel in fracturing bulk; they smash it to atoms, and grind it to piece-meal." <sup>48</sup> For a year and more the question of letting the road enter the city was discussed. It was pretty definitely known to the "Short Line" company that they would be permitted to enter, provided they changed the gauge to 4 feet 8½ inches: This would prevent the transfer of cars from one road to the other, as the Louisville and Nash-

<sup>40</sup> Issue of June 29, 1869.

<sup>41</sup> *Cincinnati Commercial*, June 30, 1869. Mayor Torrence responded to a toast to the City of Louisville by extolling Cincinnati without even mentioning the recipient of the toast. He closed by asking the Louisville councilmen to look Cincinnati over and learn how to build a city.

<sup>42</sup> *Annual Report of the City Departments of the City of Cincinnati for the Year Ending February 28, 1870*, 76. During this year Cincinnati also entertained the Philadelphia council spending \$681.95; the Columbus Council, \$161.70; and the Toledo Council, \$81.50.

<sup>43</sup> Among the toasts offered was this one: "Louisville, the eldest daughter of Kentucky, may she continue to enhance her beauty and loveliness until she becomes like her women—second to none in the Union." *Cincinnati Commercial*, July 2, 1869.

<sup>44</sup> *Ibid.*, July 2, 1869.

<sup>45</sup> *Ibid.*, July 7.

<sup>46</sup> *Cincinnati Semi-Weekly Gazette*, July 30, 1869; *Cincinnati Commercial*, July 28, 1869.

<sup>47</sup> *Cincinnati Commercial*, July 15, 1869.

<sup>48</sup> *Ibid.*, March 16, 1871.

ville gauge was five feet at this time.<sup>49</sup> While the subject of the gauge was being agitated there also came up for discussion the right-of-way to be granted through the city. The route finally allowed by the city was not acceptable, and so the matter remained for many months unsettled.<sup>50</sup>

The whole situation was very distasteful to the "Short Line" company. The prosperity and success of their road was being largely interfered with by the hostility of Louisville. In 1870 there came up in the Kentucky Legislature a bill to charter the Louisville Steam Transfer Company, which with a five-foot gauge would connect the two railroads. But Louisville saw the ruse and promptly had the bill killed.<sup>51</sup> The Short Line then threatened to survey a road around the city and not enter at all, which greatly pleased Cincinnati. The *Cincinnati Commercial* with a feeling of revenge said that Louisville might defeat other projects of Cincinnati, "but she can't stop that cut-off between the Short Line and Nashville roads, which will leave the Falls City completely out of the way."<sup>52</sup> The City Council of Louisville finally started on the road to a settlement when it passed an ordinance in October, 1870, providing for a bond issue of \$125,000 to pay three-fifths of the cost of entering the city with the changed gauge.<sup>53</sup> Fearing still that some part of the contract might be interpreted to the commercial disadvantage of the city, the mayor in his annual message of January, 1871, sounds the warning that "the railroad connection through our city that has been granted, as it approaches consummation, will require us to observe that no deviation from the intentions of the grant be permitted to militate against the city's interests."<sup>54</sup>

Louisville also held the destiny of Cincinnati's trade in other ways. As before stated, Cincinnati's only road to the South lay through Louisville, whether by rail or by water. An irate Cincinnati expressed the salient elements of the make-up of Louisville thus: "It is situated in Kentucky—not the State of Kentucky but the Commonwealth of Kentucky—and is composed of a railroad, a hotel, a bridge, a canal, and several newspapers."<sup>55</sup> It was the railroad, the bridge and the canal that Cincinnati was concerned with most. The Louisville and Portland Canal had been completed around the falls in the Ohio in the early '30s. Although built by a private company and largely paid for by private capital, the United States Government later gave aid and came into possession of almost all of the stock. In 1860 the Federal Government gave all of its stock to the directors on the condition that the Government be asked for no more aid.<sup>56</sup> This canal in many ways left Cincinnati in a greatly inferior position as compared with Louisville. The canal could not accommodate boats of a greater capacity than 800 or 900 tons. Louisville, able to use wharfs below the falls, could employ larger steamers in her down-

<sup>49</sup> *Ibid.*, May 23, July 10, 1869.

<sup>50</sup> The "Short Line" rejected the route proposed by the city in the following resolution: "Resolved, That the route north of Main street, which has been suggested, could not be accepted, because of its excessive cost, because of the delay it would involve in the transfer of freight and passengers, and because of the unnecessary cost it would impose on such transfer." *Cincinnati Commercial*, Oct. 6, 1869; *Ibid.*, Aug. 20, 1869; *Cincinnati Semi-Weekly Gazette*, Nov. 30, 1869; Jan. 14, 1870.

<sup>51</sup> *Cincinnati Commercial*, March 17, 1870.

<sup>52</sup> *Ibid.*, Feb. 22, 24, 1870.

<sup>53</sup> *Louisville Municipal Reports for the Fiscal Year Ending December 31st, 1870*, 89, 90.

<sup>54</sup> *Cincinnati Commercial*, March 10, 1871; *Louisville Municipal Reports for the Fiscal Year Ending December 31st, 1870*, 22.

<sup>55</sup> *Cincinnati Commercial*, March 16, 1871. The hotel referred to was the famous Galt House, later destroyed by fire. The Louisville newspapers kept the rivalry at white heat.

<sup>56</sup> *Ibid.*, Nov. 22, 1870.

river traffic.<sup>57</sup> There was also an excessive charge on tonnage passing through the canal. Up to 1874 the fee was 50 cents the ton.<sup>58</sup> Cincinnati summed up her grievances against the canal as follows: "Canal too narrow for boats to pass, too shallow to get through often in less than two or three days; badly located, so as to endanger crafts trying to get into and out of it. Tolls so high that a Cincinnati and St. Louis boat paying the lawful 50 cents a ton passage would pay sixteen per cent on total cost of boat; and if six years old, toll equals cost!"<sup>59</sup> Furthermore, Cincinnati believed that Louisville capitalists largely owned the canal, and purposely gave Cincinnati commerce as little consideration as possible.<sup>60</sup> The Cincinnati Chamber of Commerce complained to Congress "That the present management of the Canal make unjust discrimination between all freighting between the upper and lower rivers."<sup>61</sup> It would have the United States Government enlarge the canal and thus permit Cincinnati to use larger steamers in her down-river traffic. At this time she owned steamers in the commerce below the falls too large to get through the canal and which were thus never able to reach their home port.<sup>62</sup>

Another grievance against Louisville was the erection of a railroad bridge across the Ohio River there. This appeared to Cincinnati to be the final act of Louisville in sealing the passage southward. When the river was swollen, the canal became useless, but the falls were made navigable. But with this bridge, the falls became at all times virtually impossible for the larger steamers, "and the canal flooded as it is by every considerable rise, Louisville will be the head of navigation on the Ohio and hopes, perhaps, by this reckless structure to attain a commercial supremacy which it has hitherto failed to secure by business tact, liberality or enterprise." The same writer admonishes Cincinnati and all up-river towns to "take action before their great pathway to the Mississippi is bisected by a wall of iron and stone;" and "to protest, and protest with emphasis, against this stealthy blockade of a noble and important river."<sup>63</sup> Despite the resolution of the Louisville Board of

<sup>57</sup> *Ibid.*, April 22.

<sup>58</sup> Joseph Nimmo, Jr., *First Annual Report on the Internal Commerce of the United States*, 1876, 80.

<sup>59</sup> *The Railroad Speech Delivered at the Merchants' Exchange* \* \* \*, by W. M. Corry, 6.

<sup>60</sup> W. M. Corry, of Cincinnati, imagines a case in which the canal is in need of repair, and Louisville is intrusted with the work. He sees the work almost completed, and then by a chance stroke of the pick, the whole repair collapses, and the job remains to be done over again. "I see no excuse," he continues, "from that reshipments of freights, and the portorage to two miles and a half, which costs from a quarter to a dollar a load, according to draymen and circumstances. All that might become vexatious; in fact, very much so, if Mr. Guthrie should inexorably and simultaneously adhere to the established etiquette of the Louisville and Nashville railroad about precedence among shippers." *The Railroad Speech Delivered at the Merchants' Exchange* \* \* \*, by W. M. Corry, 7.

<sup>61</sup> *Memorial from the Cincinnati Chamber of Commerce relative to Louisville and Portland Canal*, H. R. Misc. Doc., No. 122, 40th Cong., 2 Sess.

<sup>62</sup> *Cincinnati Commercial*, Nov. 16, 1870. Of Cincinnati's efforts at Washington, the correspondent of the *Chicago Tribune* facetiously says, "We experienced a treat the other day in seeing a genuine delegation of staid Cincinnatians, who had come here, with long faces, to ask [the] Government to protect them from Louisville." He pictured them saying, "And now the question recurs with awful significance, how are we going to get past Louisville? There are no balloons that we know of. There is no money in Kentucky that we ever heard of. If we don't finish that canal in some way, we may as well return to wheelbarrows." Quoted in *Cincinnati Commercial*, May 7, 1870. When the United States Government finally understood the enlargement of the canal, Cincinnati found herself completely cut off from the South by river. She made arrangements for transferring her river freight to steamers below the falls, while the canal remained closed. *Cincinnati Semi-Weekly Gazette*, July 7, 1871.

<sup>63</sup> *Cincinnati Commercial*, Jan. 16, 1868.

Trade "that in their opinion the span of 400 feet over the channel on the Indiana side is sufficient for all purposes of navigation over the falls," some of the best river pilots lost their boats and lives against the bridge piers in trying to run the rapids.<sup>64</sup> The *Cincinnati Commercial* saw the city in a complete dilemma: "Between the unfinished canal and the completed bridge, and the break in the gauge of the railroad, with artful arrangement to prevent freight from this city having fair play, Louisville has us blockaded."<sup>65</sup>

But Louisville still had other weapons which she used with equal effectiveness. The Louisville and Nashville Railroad, being the only route to the South, was, of course, taxed to its utmost in handling the freight offered. As a result the road was often forced to declare embargoes against the further receipt of freight. As stated by the *Cincinnati Commercial*, "Between this city and Nashville there is almost every fortnight a freight blockade, more frequent since the canal at Louisville has been closed for repairs. \* \* \* To say nothing of its habits and usages toward Cincinnati freight and shippers, it is a plain business fact that its capacity is not equal to the demands on it for freight."<sup>66</sup> "The Nashville road is crammed with freight" is a typical news item from Louisville.<sup>67</sup> It was only natural from Louisville's standpoint that her own freight should receive first consideration. The inevitable result was that Cincinnati's freight was held up weeks at a time waiting for transportation southward, often great quantities remaining outside the city limits.<sup>68</sup> In order to facilitate the transfer, Cincinnati kept agents in Louisville permanently.<sup>69</sup> The Falls City retaliated by placing a tax of \$20 a year upon all "commercial shipping agents" stationed within her limits to handle or negotiate freight for consignor or consignee.<sup>70</sup> But with all of her efforts in trying to get through Louisville, Cincinnati was never able to get her freight to the South within a reasonable time. A Chattanooga merchant was forced to wait one month and sixteen days for freight he had ordered from Cincinnati.<sup>71</sup> A merchant in the same city ordered goods from Boston and Cincinnati at the same time; he received the freight from the first place within ten days—for the latter consignment he waited sixty days. The *Cincinnati Commercial* bitterly remarked: "This shows the facilities we have for Southern trade through the Louisville connections."<sup>72</sup> It was only

<sup>64</sup> *Ibid.*, July 9, Nov. 10, 1868. This bridge was largely owned by the Louisville and Nashville Railroad. *Annual Report of the President and Directors of the Louisville and Nashville Railroad Company commencing on the First of July, 1869, and ending on the 30th of June 1870*, 9.

<sup>65</sup> June 14, 1870. Of this blockade, the mayor in his annual message of May, 1870, says, "Our neighbors at Louisville are pursuing a policy, which, if not checkmated, will result in almost totally obstructing navigation at this point." *Annual Reports of the City Departments of the City of Cincinnati for the Year Ending February 28, 1870*, 4.

<sup>66</sup> Nov. 30, 1870. In the parade before the Southern Commercial Congress in Louisville in 1869, the Jeffersonville Car Works exhibited a large railway car with the inscription: "If you patronize us we will raise the freight blockade." *Cincinnati Commercial*, Oct. 15, 1869.

<sup>67</sup> *Ibid.*, Sept. 28, 1867. Nov. 27, 1869; *Cincinnati Semi-Weekly Gazette*, Oct. 21, 1870.

<sup>68</sup> *Cincinnati Semi-Weekly Gazette*, Sept. 23, 1870.

<sup>69</sup> *The Cincinnati Southern Railway, A History*, edited by Chas. G. Hall, 31; J. H. Hollander, "The Cincinnati Southern Railway," in *Johns Hopkins University Studies in History and Political Science*, Vol. 12, 17.

<sup>70</sup> *Louisville Municipal Reports for the Fiscal Year Ending December 31st, 1870*, 62.

<sup>71</sup> *Cincinnati Commercial*, Feb. 16, 1870.

<sup>72</sup> Nov. 30, 1869. The goods from Boston came by boat either to Charleston or Savannah and thence to Chattanooga by rail, or to Norfolk by boat and thence over the Virginia and East Tennessee Railroad, or by rail all the way to the above-named road.



natural that Southern merchants should stop buying from Cincinnati, as one complained, "because if our goods are delayed in this way, purchased north of the Ohio River, we will be forced to buy south of it."<sup>73</sup>

It was thus painfully evident to Cincinnati that she was cut off from the Southern trade, and that it was by the studied design of Louisville that it was so. Her prosperity had not been marked after the close of the war, and she believed that it was largely due to the fact that she had never been able to reach adequately the Southern markets.<sup>74</sup> With Louisville guarding the only gateway to the South, she could never hope to be very successful in extending her trade there. She had, indeed, attempted through the "Green Line" arrangement to prevent interminable delays in her south-bound freight, but this could never bring her much success as long as her goods had to go over the Louisville and Nashville Railroad.<sup>75</sup> At last it began to dawn upon Cincinnati, with a force more and more compelling, that she must seek an entirely new route to the South over which there should be no influence working to her detriment.

#### IV

##### THE BEGINNINGS OF THE CINCINNATI SOUTHERN RAILWAY

Cincinnati wanted a direct route to the South for other reasons than to circumvent the effects of the hostility of Louisville and of the railway system she controlled. Even with Louisville friendly, Cincinnati knew that she could never hope to develop fully her Southern trade. Only by a direct connection with the South could she cultivate those good relations which were so necessary in extending her commerce. This advantage of a direct railway was advanced very often as an important reason for its construction. A Cincinnati newspaper correspondent writes on this point: "The wish is general with both the North and the South, and the time has come, for a more intimate mingling of our people. It will most assuredly rub off the rough edges and sharp corners in both sections, to mix and mingle—to traffic, to take each other by the hand and look into each other's faces, will certainly in time, if not immediately, make us homogeneous."<sup>1</sup> At the prospect of greatly increasing her trade, Cincinnati was perfectly willing to bury the unpleasantness of the past.

Of the four great cities in the interior, Cincinnati alone had no adequate unimpeded connections with the Southern markets.<sup>2</sup> In order to

<sup>73</sup> *Cincinnati Commercial*, Oct. 4, 1869. "This policy will force the erring Southern merchant to discern that he may buy goods in Louisville if he will, in Cincinnati if he can \* \* \*" Editorial in *Ibid.*, Nov. 25, 1869.

<sup>74</sup> The Cincinnati Common Council, in a petition to Congress, summed up their grievance against Louisville as follows: "Moreover, it must be well known to Congress and the nation that the city in whose interest the said railroad bridge has been constructed, and by which she had been virtually placed at the head of navigation on the Ohio, has, in the pursuance of a most illiberal policy, refused such railroad connections through her limits as would enable Cincinnati to ship merchandise and manufactures to the South and Southwest, without breaking bulk, with extraordinary expense and protracted delays, thus seeking in a compulsory manner to force the merchants and traders from those sections to abandon their commerce with Cincinnati in favor of Louisville." *Cincinnati Commercial*, April 22, 1870.

<sup>75</sup> The "Green Line" in this instance was an arrangement between Cincinnati and St. Louis to ship fast freight to the South. They hoped to be able to send their goods through without a change of cars. Bills of lading were issued for the whole distance. The only weak point in the arrangement for Cincinnati was her hated rival, Louisville, standing in the gateway. *Cincinnati Commercial*, Dec. 5, 1869; Feb. 1, 1870.

<sup>1</sup> *Cincinnati Commercial*, Feb. 27, 1867; July 1, 1869.

<sup>2</sup> Chicago, St. Louis, and Louisville had early connected themselves with the South adequately. Joseph Nimmo, Jr., *First Annual Report of the Internal Commerce of the United States*, 1867.

get into the South Atlantic states and even into some parts of Tennessee, she chose often to send her freight to Baltimore and thence by water (and often by rail again) to their destination.<sup>3</sup> Her route through Louisville to this region was almost as impractical as the Baltimore route, even without considering the special impediments at the Falls City. In order to reach Knoxville, her goods had to go through Louisville, Nashville, and Chattanooga, a distance of 598 miles. By a direct connection the distance would be only 270 miles.<sup>4</sup> A Cincinnati is moved to exclaim: "What a nice freight route Cincinnati has to the South via Southern Indiana, Western Kentucky, Middle Tennessee, Northern Alabama to Chattanooga! \* \* \* There is no city in the United States that labors under such disadvantages, and it is a wonder that Cincinnati gets as much Southern trade as she does."<sup>5</sup> A railroad running directly south through Kentucky would connect up the 6,000 miles of railway centering in Cincinnati with the 4,000 miles accessible from East Tennessee.<sup>6</sup>

As proud as she was in upholding her name as a city, Cincinnati was forced to admit that all was not well; and she saw darker days ahead. It was all due to a lack of proper railroad connections. The mayor in 1868, in arguing for a direct Southern connection, said: "I conceive it to be a matter of vital importance to the continued growth and prosperity of our city, and one that must, sooner or later, be accomplished, if we desire to enjoy and maintain our present rank as a city."<sup>7</sup> It was apparent that if she was to have the railroad, she must build it herself. The South was not cut off from a market in the North so much as Cincinnati was cut off from a Southern market.<sup>8</sup> She could, therefore, expect little more than moral support from the South. The road would undoubtedly be a great boon for the regions through which it should run; and with this argument she won the hearts of the people of Central Kentucky, who had long wanted an outlet for their timber and minerals and farm products.<sup>9</sup> If the city would only go after it, the Chamber of Commerce said, "There is a greater extent of country accessible to Cincinnati manufacturers than is within the exclusive reach of any other city in the United States."<sup>10</sup>

The problem, then, of Cincinnati was to get her wealth turned into the right direction. The editor of the *Cincinnati Commercial* pointedly said: "We may exhaust ourselves in placing parks on every hill, and cutting a superb avenue for each one of our Councilmen \* \* \* and yet we will not bring business to the city. \* \* \* We do not absolutely need feudal castles, with cloud-capped towers for the sick, and gorgeous temples for the poor, and work houses modelled after the Tuilleries; but we do require more vital blood in our arteries, a surer grasp upon the broad and fertile and populous region that is naturally our territory—that was ours before we were exceeded in energy and distanced in enterprise."<sup>11</sup>

<sup>3</sup> Cincinnati's trade in North Carolina, South Carolina, and East Tennessee often went to Baltimore and then on to its destination. *Cincinnati Semi-Weekly Gazette*, May 7, 1869; *Cincinnati Daily Gazette*, Nov. 11, 1865; *Cincinnati Commercial*, June 25, 1869.

<sup>4</sup> *Cincinnati Daily Gazette*, Nov. 8, 1865.

<sup>5</sup> *Cincinnati Commercial*, June 13, 1870.

<sup>6</sup> *Ibid.*, June 25, 1869.

<sup>7</sup> *Cincinnati Commercial*, May 2, Sept. 11, 1868.

<sup>8</sup> An editorial in the *Cincinnati Daily Gazette*, April 19, 1866, says, "The railroad to Cincinnati is not a necessity to the South. She has connections with other places on the Ohio and Mississippi. It is a necessity to the immediate country through which it will pass, and to Cincinnati, which will receive the great commercial benefits, and whose commercial supremacy depends on building this road." A similar idea at an earlier time is expressed in the booklet, *Railroad Proceedings and Address of Fulton and Vicinity to the People of Ohio* (Cincinnati, 1835).

<sup>9</sup> *Cincinnati Semi-Weekly Gazette*, March 27, 1868.

<sup>10</sup> *Cincinnati Commercial*, June 25, 1869.

<sup>11</sup> Nov. 25, 1868; Sept. 11, 1868.

The project was talked in season and out. The Chamber of Commerce, Board of Trade, City Council, the mayor, and numerous other public-spirited citizens kept the question alive. The city's leading newspapers, the *Cincinnati Commercial*, the *Cincinnati Semi-Weekly Gazette*, the *Cincinnati Daily Gazette*, and the *Cincinnati Enquirer*, continually kept up the agitation. But three years after the end of the war saw nothing definitely accomplished, despite the continuous campaign. By this time it was becoming evident with increasing force that the period of discussion should end and that either something should be done or the city should "take a position of future commercial insignificance with becoming humility."<sup>12</sup> "Again and again," a supporter continues, "have the necessity and advantage of effecting an unbroken rail route to the Southern system of roads been expounded and advocated, but never has the urgency been greater than at this time, when other cities around us are not only securing to themselves all prospective advantages, but absolutely seizing upon ours."<sup>13</sup>

Not all of Cincinnati's activities concerning a Southern railway was mere discussion, nor had all her activities been confined to the period following the Civil War. In fact the idea of a railway from Cincinnati south into Tennessee had not originated within the Queen City. It was born of the far-seeing mind of John C. Calhoun. As far back as 1835 Cincinnati was convinced that she should aid this project. Enthusiasm for the connection had permeated the proposed route from South Carolina to the Ohio River. Charters had been obtained from all the states to be traversed. The only difficulty had been encountered in Kentucky, where the charter was granted only on condition that the railroad upon reaching Lexington should branch out into three lines, running to Maysville, Cincinnati, and Louisville.<sup>14</sup> This was strangely prophetic of Kentucky's subsequent attitude on roads crossing her boundaries. But the panic of 1837 soon brought about an indefinite delay. The next important attempt came in 1854 when the Kentucky Legislature chartered the Kentucky Union Railroad to run to the Tennessee line. Cincinnati's interest was shown in this attempt by the fact that seven of the trustees were from that city.<sup>15</sup> Encountering the panic of 1857, this movement soon spent itself and was succeeded by another attempt in 1859 in the form of the Lexington and East Tennessee Railroad, which was to be an extension of the Kentucky Central to Knoxville. An appeal was made to Cincinnati for \$1,000,000. By the time about half of this amount had been promised, subscriptions began to lag. Still there seems to have been more driving force behind this movement than any of the preceding ones.<sup>16</sup> A resolution offered at one of the meetings in Cincinnati declared that the citizens of the city might have "the double honor of claiming that Cincinnati originated and completed the most

<sup>12</sup> *Cincinnati Commercial*, March 31, 1868. The mayor besought the council to keep the subject before the people. Continuing, he said, "To maintain the proud supremacy of Cincinnati, in population, trade and manufactures, we must act energetically and quickly." *Ibid.*, June 20, 1868. A writer in the *Cincinnati Commercial*, Sept. 16, 1868, said, "She cannot stand idle longer, devoid of all exertion, and look upon the efforts now being displayed by her rival sister on the west, to pluck the fruit from Southern fields without arousing from her present disinclination to action."

<sup>13</sup> *Cincinnati Commercial*, Aug. 18, 1868.

<sup>14</sup> H. P. Boyden, *The Beginnings of the Cincinnati Southern Railway*. A sketch of the years 1869-1878 (*Cincinnati*, 1901), II; *History of Cincinnati and Hamilton County*, by various authors, 208; *Railroad Proceedings and Address of Fulton and Vicinity to the People of Ohio* (Pamphlet in Wisconsin Historical Library); *Cincinnati Commercial*, Feb. 23, 1871.

<sup>15</sup> *The Railroad Speech Delivered at the Merchants' Exchange* \* \* \*, by W. M. Corry, 18.

<sup>16</sup> *The Cincinnati Southern Railway, A History*, edited by Chas. G. Hall, 32.

important road in the world, for it is not only the tap root of her prosperity and an outlet from the Ohio Valley, which is richer in corn than the Nile, but it is the imperishable bond of union between the Western and Southern states."<sup>17</sup> However, the Civil war soon afterwards came and sealed the fate of this attempt.

During the period following the war, Cincinnati had the hearty support and cooperation of all Central Kentucky in any movement that would extend a railway southward—the initiative, indeed, often being taken by this region. The lack of railway facilities in this part of the state and the hostility here toward the Louisville and Nashville Railroad, as previously noted, always made Central Kentucky an ally of Cincinnati.<sup>18</sup> A movement for extending the Kentucky Central Railroad was early instituted. Great interest was shown by the counties lying in the southern part of the state near the Tennessee line. Pulaski County voted a subscription of \$200,000, and Wayne County voted \$50,000.<sup>19</sup> For want of money this project was never carried out. Still the idea of extending this road to the Tennessee line was never given up until the southern connection had been made.

Another plan that persisted for a long time was the extension of the Kentucky Central or the construction of a connecting road to the Lebanon branch of the Louisville and Nashville, and there await the driving power of that road to land them in the South. It was necessary to build only sixty-five miles to accomplish this. As usual the men of Central Kentucky went to Cincinnati for money. A Paris (Kentucky) citizen argued the question thus from Cincinnati's standpoint: "The question is not simply whether she will attempt to extend the theatre of her commerce, but rather whether she will sit by quietly and permit so large a portion of the trade which is naturally and geographically tributary to her to be diverted from her by the enterprise of a rival city; and this, too, when she may not only retain that trade by building a road of sixty-five miles, but may add immensely to it, and make available for that purpose the very means that are being used to divert it from her."<sup>20</sup>

The Blue Grass region became enthusiastic over this movement. Meetings were held in the interest of it, notably at Richmond, Lexington, and Paris. Every meeting sent delegations to Cincinnati to beg for aid and to plead that now was the chance for Cincinnati to get her Southern connection. The first named city also sent a committee to Louisville to see if perchance help might be secured there.<sup>21</sup> The Cincinnati Chamber of Commerce appointed a committee to investigate, as was their custom. This committee reported that the road ought to be built and that Cincinnati business men should subscribe \$500,000.<sup>22</sup> But just as such movements turned out in Cincinnati, this one died after the discussion was finished. This last failure provoked this wrathful editorial from

<sup>17</sup> *The Railroad Speech Delivered at the Merchants' Exchange \* \* \**, by W. M. Corry, 2. Another one of the resolutions continued, "Resolved, That this meeting is in favor of a Southern connection by Railroad via Knoxville with the Gulf, and believe it worth more economically, socially and politically than any other road." *Ibid.*, 2.

<sup>18</sup> At one time the Blue Grass region sent a consignment of ten thousand mules to Atlanta, which required three hundred hours. By a direct route it would have taken only forty hours. *Cincinnati Commercial*, Feb. 25, 1870.

<sup>19</sup> *Cincinnati Daily Gazette*, Nov. 22, 1866; Collins, *History of Kentucky*, Vol. I, 171, 172.

<sup>20</sup> *Cincinnati Commercial*, June 19, 1867.

<sup>21</sup> *Cincinnati Commercial*, Feb. 21; March 7, 14, 27; June 17, 1867.

<sup>22</sup> *Ibid.*, April 16, 1867. The committee said in its report, "In urging this work upon the earnest and favorable attention of the people of Cincinnati, we do so not only without hostility to any other enterprise of a like character, but with the remark that it will be but the part of wisdom with our citizens to aid and encourage, by all possible means, the construction of all railroads leading in the direction of Cincinnati." *Ibid.*, April 16, 1867.

the *Cincinnati Commercial*: "If Lexington and the adjacent country shall have the enterprise to carry the project through, no doubt they will find good results for their expenditure, but they will have to depend on their own energies and credit, at least so far as Cincinnati is concerned, for this place has as much as it can do in *contemplating* the desirableness of a through independent line southward. When contemplating becomes wearisome, it may be found that the hold which other places have on the section desirable to be reached will render anything beyond contemplation unnecessary."<sup>23</sup>

In this region south of Cincinnati attempts of all kinds were set in motion. Many of them never got beyond the resolution stage; others got so far as to receive a few subscriptions. But wherever the movement originated or whatever route was proposed, Cincinnati was appealed to as the only power that could make a success of it. There were consolidations of old routes and charters, and new charters were often obtained. Tennessee granted a charter and \$10,000 per mile to a railway company to build a line from Chattanooga north to the Kentucky boundary, "thus leaving the responsibility of failing to form a direct connection with the Southern trade, with the people of Cincinnati \* \* \*"<sup>24</sup> The Kentucky Legislature in 1867 after a hard fight chartered the Cincinnati, Lexington and East Tennessee Railroad, which was designed to fulfill Cincinnati's needs as far as permission to build the road was concerned. The charter was so framed as to allow this corporation to acquire the Kentucky Central and extend it southward. But its rights under the charter were much restricted. Moreover, the Kentucky Central refused to be identified with the movement, and so nothing came of it.<sup>25</sup>

These numerous efforts had made it perfectly plain to the railroad promoters in Cincinnati that new methods of financing a Southern connection must be undertaken. As before stated, Cincinnati capital did not readily flow into railroad development schemes. In the words of one of the capitalist spokesmen, "Let us say to Kentucky, Indiana, Illinois and the rest of mankind in all kindness, You need not lift your long goose necks and stand on tip-toe peering into Cincinnati for railroad subscriptions on the old plan. \* \* \* Don't rush into our newspapers with your gorgeous programmes, least of all, appeal to our public spirit when you want money of us, as private persons. Do business with us on business principles."<sup>26</sup> An entirely new independent railway directly to the South would undoubtedly be a bold undertaking, with many obstacles in the way. The country to be traversed was rough for long stretches through the Cumberland Mountains, with no railways to be tapped nor important connections to be made until Knoxville or Chattanooga were reached. Much of the country was unproductive, and there could be no reasonable assurance that local traffic would amount to enough to insure success as a monetary venture. However, the Cincinnatians were interested mostly in making a connection for their through freight.<sup>27</sup> It was because of the large costs of a new line that the numerous smaller extensions and connections in Kentucky had been promoted. But it had now become evident that these methods could not succeed in mobilizing Cincinnati capital.<sup>28</sup> Most of the moneyed

<sup>23</sup> July 27, 1867.

<sup>24</sup> *Chattanooga Union*, quoted in *Cincinnati Commercial*, Oct. 8, 1868; *Ibid.*, Feb. 27, Oct. 18, 1867; Aug. 29, 1868; Feb. 19, 1869.

<sup>25</sup> *Ibid.*, March 12, 18, 1867.

<sup>26</sup> *Cincinnati Commercial*, Jan. 4, Nov. 17, 1868; *American Annual Cyclopaedia, and Register of Important Events*, 1870, 429.

<sup>27</sup> Joseph Nimmo, Jr., *First Annual Report on the Internal Commerce of the United States*, 1876, 91, 92.

<sup>28</sup> *Cincinnati Commercial*, April 20, 1868. During the latter part of 1867 and

men of the city were too timid to invest their money in railroad schemes that had for their object the benefiting of the city as a whole more than the individual.

By 1868 the city was sufficiently aroused to begin to think of taking some municipal action. Why should not Cincinnati do as Louisville had been doing so successfully—vote large bond issues on the city's credit and use the proceeds in subscribing to railroads? It seems that the city had been so busily discussing the desirability of the Southern connection and expecting her capitalists to put their money into the venture, that she had forgotten to inquire into her own ability to aid such undertakings. But now when the period of discussion was over and she found herself face to face with no theory but an actuality, and when she now turned to the consideration of lending her own credit as a last resort, she discovered a half-forgotten clause of the Ohio constitution which had been inserted to prevent cities and other local governments from subscribing to wild schemes during the hard times before the war. This clause read: "The General Assembly shall never authorize any county, city, town, or township, by vote of its citizens, or otherwise, to become an owner in any joint stock company, corporation or association whatever; or to raise money for, or loan its credit to, or in aid of any such company, corporation, or association."<sup>29</sup>

This, then, was a clear prohibition against the city aiding a railroad. But now, since the city was aroused for action of some kind, ways to escape this provision began to be investigated. The mayor, realizing that the hands of the city government were tied, nevertheless recommended to the City Council that "some suggestions might emanate from it in the shape of resolutions or addresses to the public."<sup>30</sup> Those who had been laboring so long for the Southern railroad set busily to work to prevent this first set-back from dampening the enthusiasm for the project. The most obvious method of procedure was to have the objectionable provision of the constitution repealed. The conditions that had caused the framers of the constitution to insert it had now disappeared. But there was one very serious objection to this method of attacking the problem. Assuming that there would be no opposition to its repeal, still the time that would elapse before this line of action could be carried out, would in the eyes of the city's closest observers prove fatal to the city's efforts to capture the Southern trade. At the earliest the process of amending the constitution could not be carried through to completion before 1871 or 1872. So this method was not urged by the clear-sighted Cincinnatians. Nevertheless, this procedure was undertaken. In 1869 an amendment making it possible for cities to subscribe to railroads was introduced in the Ohio Legislature rather perfunctorily, along with certain other amendments. But there was little support for it, and so failure was the result.<sup>31</sup>

The real friends of the Southern railroad, who wanted the connection at the earliest moment possible, set to work along another line. The prime mover in this was Edward A. Ferguson.<sup>32</sup> In the City Council a committee had been appointed on May 15, 1868, to inquire into the methods of getting the desired railway. They reported a few months later that it

the beginning of 1868 the whole question slumbered. The agitation that finally produced results broke out anew in 1868.

<sup>29</sup> *The Federal and State Constitution, Colonial Charters, and other Organic Laws of the United States* (Washington, 1878), compiled by Ben Perley Poore, Part II, 1473, Art. VIII, Sec. 6.

<sup>30</sup> *Cincinnati Commercial*, Feb. 17, Nov. 13, 1868.

<sup>31</sup> Edward A. Ferguson, *Founding of the Cincinnati Southern Railway* (Cincinnati, 1905), 64; *Cincinnati Commercial*, March 25, 1869.

<sup>32</sup> Boyden, *The Beginnings of the Cincinnati Southern Railway. A Sketch of the Years 1869-1878*, 118, 119; *Cincinnati Commercial*, April 22, 1869.

was highly feasible and desirable that the city in its corporate capacity build the road.<sup>33</sup> This was an entirely new idea to most of the Cincinnatians. However, Ferguson had been working on a bill along this line for many months. In November, 1868, it was published in the city papers. In this bill the city was to be given permission to vote on the question of a carefully delimited taxation to provide for \$10,000,000 worth of bonds, which the city was to be allowed to issue and which were to be used in constructing a railroad.<sup>34</sup>

This was an unprecedented move in American municipal activities. Never had a city attempted to carry out so stupendous an undertaking of this character. The small but persistent reactionary element immediately took alarm. Judge W. M. Dickson could not conceive of a city engaging in such a project; firstly because the thing to be done was not a governmental affair, and secondly because the movement was stupid and doomed to failure. On this point he said, "If our city owns the road, it is more likely that it will be used against the city than if owned by the individuals. Louisville is our rival in this trade, the pet of Kentucky. How long would it be before she could get discrimination against a road owned by 'a damned abolition city'?"<sup>35</sup> He proposed that the city be given power to vote a gift of \$1,000,000 to any corporation that would build the railroad within a certain period. He believed that this would circumvent the constitutional prohibition against lending the city's credit.<sup>36</sup> But the real friends of the road lined up behind the Ferguson bill.

There were, however, more obstacles to be met. The Ohio constitution contained a prohibition against all special legislation. In order to satisfy this provision the bill was entitled, "An act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants."<sup>37</sup> Of course, Cincinnati was at this time the only city that had a sufficient number of people to come within this classification. This bill was introduced into the Ohio Legislature and was passed on May 4, 1869.<sup>38</sup> Thus, both obstructing prohibitions of the constitution were side-stepped in this bill: in the first place, it was not special legislation because all cities "having a population exceeding one hundred and fifty thousand inhabitants" came under its operation; and, secondly, it was not making "any city \* \* \* an owner in any joint-stock company, corporation or association whatever," nor was it a loan of any city's "credit to, or in aid of any such company, corporation or association," for the city, itself, was building it. There seems to have been no opposition to this bill, politically or economically induced. The *Cincinnati Enquirer* says: "It is worthy of mention that at no stage of its progress was the question of politics introduced or mentioned."<sup>39</sup> The city spent \$578.90 in lobbying for the measure at Columbus.<sup>40</sup>

<sup>33</sup> *Ibid.*, May 16, 1868.

<sup>34</sup> *Ibid.*, Nov. 25, 1868.

<sup>35</sup> *Cincinnati Commercial*, April 22, 1869.

<sup>36</sup> *Ibid.*, April 21.

<sup>37</sup> This is an early instance of evading constitutional prohibitions against special legislation. The *Cincinnati Daily Gazette* facetiously remarks, "But the Ferguson bill is not a special act. It is as general as the Gilbert Avenue Bill, which authorizes all cities of the first class to raise bonds to construct Gilbert Avenue. This bill authorizes all the cities of the first class having a population of 150,000 to take the same measures to build the Southern Railroad." Quoted in the *Cincinnati Commercial*, May 20, 1869.

<sup>38</sup> *General and Local Laws and Joint Resolutions passed by the Fifty-Eighth General Assembly at the Adjourned Session begun and held at the City of Columbus, November 23d, A. D. 1868, and in the 67th Year of said States*, pp. 80-83; H. P. Boyden, *The Beginnings of the Cincinnati Southern Railway. A Sketch of the Years 1869-1878*, 9. The bill passed in the Senate 23 to 7, in the House 73 to 21.

<sup>39</sup> Quoted *Ibid.*

<sup>40</sup> *Annual Report of the City Departments of the City of Cincinnati for the Year Ending February 28, 1870*, 75, 76.

By the terms of this act the city was to hold an election upon the question of issuing bonds to the amount of \$10,000,000 to be used in building a railroad. The fight now for the friends of the road was to carry the bond election. In order that everyone should be given a chance to vote, the mayor ordered all business throughout the city to be suspended for some portion of the day.<sup>41</sup> The Chamber of Commerce, the Board of Trade and the City Council worked together in a campaign to arouse the people. Captains were appointed for every one of the twenty wards in the city, and literature advocating the bond issue was circulated in great profusion. On election day nine bands of music paraded every street in the city, and the fire bells were rung at six in the morning, twelve noon, and three in the afternoon. The election resulted in a majority of more than ten to one in favor of the bond issue.<sup>42</sup> There was great rejoicing in Cincinnati. But the persistent opponents had not yet exhausted all their means of opposition. An action was brought in the Superior Court of Cincinnati, in the name of the city solicitor, to restrain the city from issuing the bonds, on the ground that the act of the Ohio Legislature was unconstitutional. The case ran through the state courts, with the constitutionality of the act finally affirmed by the State Supreme Court.<sup>43</sup>

The city had now completed and consolidated its first great victory. The next step toward the consummation of the project was the selection of a suitable route. The Kentucky Central afforded a railway as far south as Nicholasville along the route that Cincinnati would have to follow.<sup>44</sup> It would be a great advantage to Cincinnati in obtaining her connection quickly to buy this road and begin construction from its southern terminus. This plan had long been considered. Before she had received permission to issue bonds, her railway promoters had been negotiating for the purchase of this road.<sup>45</sup> There was much confusion in the situation. At one time those who were supposed to represent the road promised to sell; at another time it was suggested that Cincinnati give the money to that road and let it build southward. David Sinton, who was interested in the Kentucky Central, said it could be bought for "one-half what it should be appraised to be worth by three disinterested railroad engineers."<sup>46</sup> Cincinnati was disposed to offer about \$3,250,000.<sup>47</sup> When the city was about to close the transaction a litigation was started over its ownership. The case went into the Kentucky courts, and before a decision could be handed down, Cincinnati was compelled by the terms of its contract to begin construction.<sup>48</sup>

There was no dearth of advice from Central Kentucky on the route that should be chosen. The *True Kentuckian* (Paris) says: "From the way people are crowding there [Cincinnati] from all quarters, in the interests of all sections, we judge that there is no probability that the city will lack enlightenment as to the advantages of every possible line south-

<sup>41</sup> *Cincinnati Commercial*, June 11, 1869.

<sup>42</sup> The election was held on June 26, 1869, resulting in 15,435 votes for the bonds, and 1,500 against. *Cincinnati Commercial*, June 27, 1869; Collins, *History of Kentucky*, Vol. I, 197; Boyden, *The Beginnings of the Cincinnati Southern—A Sketch of the Years, 1869-1878*, 11; *Cincinnati Commercial*, June 11, 25, 1869.

<sup>43</sup> *Cincinnati Southern Railway. Circular of the Trustees Together with the Laws Authorising the Construction of the Cincinnati Southern Railway. And the Decisions of the Superior Court of Cincinnati and the Supreme Court of Ohio Thereon* (Cincinnati, 1873).

<sup>44</sup> S. H. Goodin, *Plan for the Construction of the Direct Railroad South, Connecting Cincinnati with the Southern System of Railroads* (Cincinnati, 1868), 4, 5, 10, 11.

<sup>45</sup> *Cincinnati Commercial*, Jan. 8; Feb. 27; March 15, 1867.

<sup>46</sup> *Ibid.*, March 18.

<sup>47</sup> *Ibid.*, April 11, 1868.

<sup>48</sup> Ferguson, *Founding the Cincinnati Southern Railway*, 76. The Kentucky Central was a partnership, which had run badly into debt. Litigation followed with the question of ownership highly complicating the situation.



ward." "To us," it adds, "it appears plain that the route by Paris and Richmond is the best for Cincinnati. \* \* \*" <sup>49</sup> During the months following the voting of bonds, Cincinnati was crowded with delegations and commissions, and her newspapers were flooded with communications. All were advocating their special routes, expressing the firm conviction that the railroad would prove a failure unless it chose their route. The *Owensboro Monitor* came forward with the entirely new plan of running the road north of the Ohio River through Ohio and Indiana to Rockport and thence across the river to Owensboro. The road could then run south through the rich tobacco regions of Western Kentucky and enter Tennessee west of Nashville. This route would escape the mountains of Eastern Kentucky and Tennessee, and besides would run through some of the richest country in the three states.<sup>50</sup> It was argued that the lines of trade ran northeast and southwest and that a route through Owensboro would, therefore, serve Cincinnati best.<sup>51</sup> The *Frankfort Yeoman* believed that Cincinnati would find it difficult to get a right-of-way through Kentucky from the Legislature, but believed that all might be well if the road should come through Frankfort.<sup>52</sup> But it was evident to almost all except the most visionary that the Cincinnati Southern Railroad<sup>53</sup> would be built southward directly through Kentucky along the most suitable and available route. There was not a county or town in Central or Southern Kentucky that did not aspire to have the road to come through its limits. This was forcibly brought home to Cincinnati by the endless stream of delegations that swarmed into the city from these regions. Meetings were held all along the lines which the road would seem most likely to take, praising their advantages for such a road and making them known by commissions to Cincinnati.<sup>54</sup> Danville, in a large meeting, appointed by name on a committee to Cincinnati most of the men present "and all other citizens of Danville, who are desirous to go."<sup>55</sup>

The whole South, especially east of the Mississippi River, was greatly interested in the success of this railroad. It sent up to Cincinnati its governors, mayors, city councils, railroad presidents, besides a host of lesser lights, to urge the railroad forward and to secure the special route they were interested in.<sup>56</sup> A traveler in the South declared, "There is one thing certain, that the South will do her part of the labor, and will furnish her part of the means, incident to the construction of this road."<sup>57</sup> There were four possible routes that might be chosen. The Cumberland Gap route lay farthest to the east and would serve more a connection with the Virginia and East Tennessee Railroad and the Atlantic seaboard than directly with the South. This route was never seriously considered. The Knoxville route lay west of the former and was the shortest and in many ways the most practical. The Chattanooga route lay slightly west of the Knoxville route, but was much longer. The Nashville route ran much farther to the west and poorly served Cincinnati's needs.<sup>58</sup>

The routes mainly advocated by different parts of the South were

<sup>49</sup> Quoted in *Cincinnati Commercial*, May 13, 1869.

<sup>50</sup> *Cincinnati Commercial*, May 4-June 4, 1869.

<sup>51</sup> *Ibid.*, May 9, 1869.

<sup>52</sup> *Ibid.*, July 12.

<sup>53</sup> This came to be the name officially adopted.

<sup>54</sup> *Cincinnati Semi-Weekly Gazette*, May 7, et. seq., 1869; *Cincinnati Commercial*, May 8, 12, passim, 1869.

<sup>55</sup> *Cincinnati Commercial*, May 4, 1869.

<sup>56</sup> *Cincinnati Daily Gazette*, June 20, 1866; May 4-June 4, 1869.

<sup>57</sup> *Cincinnati Commercial*, Aug. 19, 1868.

<sup>58</sup> Boyden, *The Beginnings of the Cincinnati Southern Railway—A Sketch of the Years, 1869-1878*, 9; *Cincinnati Commercial*, Oct. 27, 1868; *Cincinnati Semi-Weekly Gazette*, May 28, 1869.

the last three. Within a week after the passage of the act in the Ohio Legislature, Knoxville, Nashville, and Chattanooga had their representatives in Cincinnati urging their respective routes. The Nashville representatives contended that it would be foolish for a road to run in a north and south direction, because trade did not flow that way and because it could not easily be diverted from its accustomed channels. To them it was perfectly evident that commerce flowed in a northeastern and southwestern direction, and hence the Nashville route would fulfill all the requirements. Furthermore the Louisville and Nashville Railroad was making annually over \$100,000 in freight at that place, and, then, was not able to take care of all the business offered. There was, therefore, no reason why Cincinnati should not share in this prosperity in competition with her great enemy.<sup>59</sup> This immediately aroused the keenest opposition from Louisville, who had been looking with unconcealed alarm on Cincinnati's success. She knew, in any event, that a road from Cincinnati to Nashville would never be built through her own limits. The Louisville *Courier-Journal* showed by an ample use of statistics that the road could never pay if it ran to Nashville. The Falls City seemed all at once to have become very solicitous as to her greatest rival's welfare. The Louisville paper continued, "Thus nearly two millions of dollars will have to be raised by taxation every year to obtain what the City of Cincinnati already possesses—the very best railroad connection between Cincinnati and Nashville that can be established, and the lowest possible rates of freight that can ever be obtained."<sup>60</sup>

If the railway had to come, Louisville professed to believe that the Knoxville route would serve Cincinnati's interests far better, knowing well it would be better for her own interests. A correspondent writes the *Cincinnati Commercial*, "Louisville already sounds the alarm and applauds our Knoxville rout. \* \* \* I would be ashamed to say Louisville could take possession of any trade Cincinnati is determined to hold."<sup>61</sup> The Knoxville route was strongly favored by many in the South as well as in Cincinnati. This was the route surveyed by Wm. A. Gunn during the Civil war for a military railroad.<sup>62</sup> It was the old historic route advocated by Calhoun and all others before the war. South Carolina and Knoxville especially made a strong fight for this route. The governor of South Carolina, a committee from Charleston, the president of the Blue Ridge Railroad, and the mayor of Knoxville with a large delegation, were in Cincinnati at different times working for this route.<sup>63</sup>

Chattanooga was farther than any of the other cities seeking the railway; but in many ways it was the most logical terminus. A network of railways radiated from this city affording excellent connections with all the lower South. Georgia was especially interested in this route. She sent her governor with the Chattanooga representatives and railroad men to Cincinnati to show the advantages of this connection.<sup>64</sup> After listening to the arguments of the numerous delegations from all parts of Kentucky and the states to the south, the City Council on June 4, 1869, chose Chattanooga as the southern terminus.<sup>65</sup> There was great rejoic-

<sup>59</sup> *Cincinnati Semi-Weekly Gazette*, May 28, 1869.

<sup>60</sup> Quoted in *Cincinnati Commercial*, June 1, 1869.

<sup>61</sup> *Cincinnati Commercial*, May 23, 1869.

<sup>62</sup> Goodin, *Plan for the Construction of the Direct Railroad South, Connecting Cincinnati with the Southern System of Railroads*, 13, 28-30.

<sup>63</sup> *Cincinnati Commercial*, May 12, 1869.

<sup>64</sup> *Cincinnati Commercial*, May 4, 7, 1869. When the news of the bond election had reached Chattanooga, bonfires were lighted and cannon fired. Boyden, *The Beginnings of the Cincinnati Southern Railway. A Sketch of the Years, 1869-1878*, 13.

<sup>65</sup> *Cincinnati Semi-Weekly Gazette*, June 8, 1869; *Cincinnati Commercial*, June 5, 1869.

ing in that city with loud promises and assertions that all of Chattanooga's trade would go to Cincinnati.<sup>66</sup> When Cincinnati went to the Kentucky Legislature later for a right-of-way, Chattanooga felt greatly concerned as to its success. As one observer put it, "If that august body of law-makers should lend a listening ear to the siren song of Louisville and refuse the right-of-way through the state, there will be wailing and gnashing of teeth in Chattanooga."<sup>67</sup>

Now that Cincinnati seemed determined to win a part of the southern trade by building an independent connection, the attitude that Kentucky would take became of first importance. The state was by no means a unit in its opinion. Central Kentucky hailed the road as bringing in the day of her deliverance. According to one enthusiast, "Almost every farmer introduces it as conversational matter, as he jogs along the highway with his neighbor. In the counting-room, in the lawyer's office, on the street and in the domestic circle, it is a theme of prime importance."<sup>68</sup> This part of the state had early shown its interest by voting large subscriptions in bonds.<sup>69</sup> Soon Louisville began to fear this enthusiasm of so substantial a nature. The president of the Louisville Board of Trade said, "No railroad movement has ever before been so enthusiastically entered into by people who should be patrons of the Louisville and Nashville road, and customers of the merchants, millers, and manufacturers of Louisville."<sup>70</sup> This new road would give many parts of the Blue Grass region two outlets and would, thus, afford them competing markets.<sup>71</sup> In this latter respect it would give many farmers in Central Kentucky an opportunity for revenge against Louisville and her railroad.<sup>72</sup> The *Lexington Press* explains why the Blue Grass is so anxious for the new road: "Louisville wars upon every scheme which proposes to give us an outlet south, except over the tortuous lines that now terminate in her limits." She "is willing that Eastern and Central Kentucky shall have a road if it shall run to that city as a terminus. \* \* \*"<sup>73</sup> This part of the state was impatient at delay, for the Cincinnati Southern Railway would open up thirty counties or parts of counties with farm lands valued at over \$67,000,000, which was 31 per cent of the entire assessments of such lands for the whole state.<sup>74</sup>

It was with an entirely different feeling that Louisville saw how this road "with its greedy arms" would "grasp and draw into its den the best and choicest trade of the state." She was now frightened into dealing more gently and considerately with the Central Kentucky region: "The impediment to free intercourse between Louisville and the neighboring towns \* \* \* should be removed; the complaints of the people along our railroad lines should be investigated with kindly feeling and

<sup>66</sup> A correspondent to the *Cincinnati Commercial*, Aug. 2, 1870, writes, "I hear it said by the Chattanoogaans that the first merchant of that city who fails or refuses to trade in Cincinnati when the road is done, is to be taken out and hung by the Ku-Klux, or some other charitable organization, and his goods confiscated for the benefit of a Chinese Joss house."

<sup>67</sup> *Cincinnati Commercial*, Feb. 16, 1870.

<sup>68</sup> *Ibid.*, July 12, 1869.

<sup>69</sup> *Ibid.*, Jan. 8, 1867; Aug. 7, 1868; Collins, *History of Kentucky*, Vol. I, 191.

<sup>70</sup> *Cincinnati Commercial*, May 22, 1869.

<sup>71</sup> *Ibid.*, May 22, 1869. A resident of Lebanon, Kentucky, says to Cincinnati, "I tell you frankly, we intend to use you, and buy from you; and we intend to use that railroad in competition with the Louisville and Nashville Railroad, and we intend to use you in competition with Louisville." *Ibid.*, May 9, 1869.

<sup>72</sup> This was Danville's case against the Louisville and Nashville Railroad: "Mr. Guthrie—of whom, considering what he did for railroads, I would say nothing unkind—saw fit to run the railroad one and one-half miles from our town, just far enough to annoy us four times a day with the screaming of the railroad whistle." *Ibid.*, May 9, 1869.

<sup>73</sup> Quoted in *Cincinnati Semi-Weekly Gazette*, Oct. 20, 1871.

<sup>74</sup> *Cincinnati Commercial*, Feb. 15, 18, 1870.

in a spirit of compromise and conciliation."<sup>75</sup> She saw that her blockade against Cincinnati would be broken by this railroad which "will pour almost the entire trade of Kentucky and the South into the lap of Cincinnati, and accomplish the very thing which we proposed to defeat by breaking the connection between the Louisville and Nashville road, through the streets of this city."<sup>76</sup> The Louisville *Courier-Journal* admitted that the road was a good thing for Kentucky, but a bad move for Louisville.<sup>77</sup> This attitude on the part of Louisville aroused the bitterest of hostility in Central Kentucky. The *Frankfort Commonwealth* said: "She straightway dons her plumes, paints her face, executes a war-dance, brandishes her weapons, and starts upon the war path against the inroad that is to be made upon the people of Kentucky, by the construction of the proposed thoroughfare." Continuing its attack on her, it says, "For the sake of her own selfish purposes would she desire that other portions of Kentucky be deprived of railroad facilities to the end that they may be kept tributary to herself? That is both ungenerous and unreasonable."<sup>78</sup> Cincinnati could now rejoice over Louisville's discomfiture and take this wordy revenge: "We trust that Louisville will gracefully accept its destiny as the future second city of Kentucky, Covington ranking first. At the beginning of the next century Louisville will be to Covington what Buffalo is to Brooklyn; and the *Courier-Journal*, if alive, will enjoy the satisfaction of seeing more *Cincinnati Commercial*s distributed in Louisville than copies of its own locomotive-butting issue."<sup>79</sup>

Realizing that her own commercial position was now being threatened, Louisville immediately became active in making counter-moves. As the *Courier-Journal* said, "Hitherto the Lord has done everything for Louisville. Hereafter we propose to do a little for ourselves; and we won't be long about it."<sup>80</sup> One of the first lines of action she proposed was the construction of a rival line from Louisville direct to Chattanooga. A number of meetings were held by her merchants and railroad promoters in December of 1869. They resolved that the city should grant \$2,000,000 to a corporation that would undertake the work. The purpose of building this new connection, as it was generally stated, was to relieve the congestion in Louisville, and not to forestall any other road.<sup>81</sup> But in a meeting held in early December and described as "in point of numbers

<sup>75</sup> *Ibid.*, May 22, 1869; Cincinnati Southern Railway. *Memorial of Trustees and Speech of Hon. John C. Breckinridge to the General Assembly of Kentucky*, 47; Cincinnati *Semi-Weekly Gazette*, May 22, 1869. The Cincinnati *Commercial*, November 23, 1869, says, "According to the *Courier-Journal*, Cincinnati is some big, awful parasite, clinging to the borders of Kentucky, sucking away its life blood, uttering steam screeches and belching horrific fire and smoke."

<sup>76</sup> *Ibid.*, May 22, 1869; Cincinnati Southern Railway, *Memorial of Trustees and Speech of Hon. C. Breckinridge to the General Assembly of Kentucky*, passim. The Louisville *Courier-Journal* says of Cincinnati's audacity, "The merchants of Cincinnati, are a thoroughly live and ingenious set of Yankee plodders and plotters, who propose to swarm upon the Southern country like 'ducks upon June-bugs' and appropriate it to their own uses . . . God said 'this is a bog.' Yankee audacity said 'it is a metropolis.' So it is. The inaccessible crags and covered with villas and vineyards, and pierced by streets. The marshes are peopled." Quoted in Cincinnati *Commercial*, May 3, 1869.

<sup>77</sup> The Louisville *Courier-Journal* says, "It gives Cincinnati, our natural rival, a direct line of connection with two or three points worth connecting with, and imposes upon us the necessity of looking after our communications rather more actively than we have done recently." Quoted in Cincinnati *Commercial*, May 3, 1869.

<sup>78</sup> Dec. 3, 1869.

<sup>79</sup> Cincinnati *Commercial*, Nov. 23, 1869.

<sup>80</sup> Cincinnati *Commercial*, May 3, 1869. The president of the Louisville Board of Trade said people were asking if Louisville was "asleep, or away from home, or both." "Let us hear from her," he said the people were saying. *Ibid.*, May 22, 1869.

<sup>81</sup> *Ibid.*, Dec. 4, 1869.

and enthusiasm—never \* \* \* surpassed by any railroad meeting in recent times," the true purpose of this latest move by Louisville was clearly shown. Basil Duke expressed the belief that "so soon as it is seen that Louisville is earnestly and actively prosecuting it, Cincinnati will back down."<sup>82</sup> A correspondent to the *Courier-Journal* clearly indicated Louisville's purpose in building the "Louisville and Chattanooga Grand Trunk Railroad," as it was officially called, in the following dispatch: "There is but one thing that can defeat Cincinnati, and that is for Louisville to engage seriously in pushing her talked-of Chattanooga enterprise right through to completion. Louisville cannot maintain her supremacy in this section any other way."<sup>83</sup> She immediately set to work to secure a charter. She sent a committee headed by ex-Governor Bramlette to Nashville to secure a charter from Tennessee, and another to Frankfort to manipulate the Kentucky Legislature.<sup>84</sup> This Legislature, which had refused Cincinnati a right-of-way for the Cincinnati Southern, a few weeks later granted this request of Louisville.<sup>85</sup> The Falls City had, thus, completely out-manuevered Cincinnati, much to the chagrin of the latter. Commenting on Louisville's selfishness, one of the Cincinnatians said, "It was the most complete dog-in-the-manger piece of business ever attempted since the days of the veritable dog that immortalized himself in that way. \* \* \*"<sup>86</sup>

Louisville was also able to bring into the opposition against Cincinnati the Ohio and Cumberland Railroad, which held a charter for a road across the state and was now looking for subscriptions. This project had had some success in securing funds, even to such an extent as to make the road a possibility if generous help could be had from Cincinnati. The \$10,000,000 of Cincinnati railroad money looked very alluring to this railroad company.<sup>87</sup> They sought to convince the Queen City that the best use for her money would be to put it into the construction of their road.<sup>88</sup> But for numerous reasons, which will be discussed later, Cincinnati was forced to refuse. This company thereupon became the enemy of the Cincinnati Southern Railroad and opposed it at every opportunity. Thus again was the clever hand of Louisville evident. She had raised up another ally in her fight in the Legislature against granting Cincinnati a right-of-way across the state.<sup>89</sup>

The Cincinnati Southern Railroad had thus advanced from a seemingly interminable discussion to something more real. Ohio exhausted her ability to aid when she allowed the city to vote on a bond issue to construct the road. Cincinnati went to the extremity of her power when she voted to issue the bonds. The peculiar element in the situation was that the road would lie entirely outside the jurisdiction of both Cincinnati and of the State of Ohio. It was therefore necessary for the city to go to other states for permission to build a railroad through their limits.

## V

### EFFORTS TO SECURE RIGHTS-OF-WAY

Before Cincinnati could begin her railroad, she had to have two separate grants of rights-of-way, one from Kentucky and one from Tennes-

<sup>82</sup> *Ibid.*, Dec. 5, 1869.

<sup>83</sup> Quoted in *Cincinnati Commercial*, Jan. 14, 1870.

<sup>84</sup> *Ibid.*, Dec. 4, 1869.

<sup>85</sup> *Ibid.*, March 5, 1870; *Acts of the General Assembly of the Commonwealth of Kentucky Passed at the Regular Session of the General Assembly which was Begun and Held in the City of Frankfort on Monday, the Sixth Day of December, 1869*, 16-25.

<sup>86</sup> *Cincinnati Commercial*, Jan. 11, 1871.

<sup>87</sup> *Ibid.*, June 29, 1870.

<sup>88</sup> *Cincinnati Commercial*, Dec. 4, 1869; Aug. 15, 1870.

<sup>89</sup> *Ibid.*, Jan. 12, 1871.

see. As the Legislature of the latter state met first, she decided to ask for the Tennessee grant before going to Kentucky. Here she met with unexpected opposition!<sup>1</sup> The strong rivalry that existed between the three Tennessee cities for the road had settled into a desire on the part of the unlucky two to get revenge on the lucky third. Furthermore, Louisville, ever watchful for an opportunity to obstruct Cincinnati's plans, gave her aid to the opposition with keen willingness. The Nashville and Chattanooga Railroad was also concerned about this new road which might materially cut down its traffic.<sup>2</sup> So when the trustees of the Cincinnati Southern Railroad presented their elaborately drawn bill in the Tennessee Legislature, they found that it would take a strong fight to put it through. Unluckily for Cincinnati, the chairman of the House Judiciary Committee, to whom the bill was first referred, was from Knoxville. And although he had been an enthusiastic supporter of the Cincinnati Southern before Chattanooga was selected as the southern terminus, he now used every effort to defeat the bill. One of the first signs of this hostility was the adverse report of the committee.<sup>3</sup> The argument generally used was that such a grant of power to the City of Cincinnati was unwarranted by the state constitution, and that the rights of the state were not properly safeguarded in the measure. It looked suspicious to many that a "foreign city" should bring a bill elaborately drawn and attempt to force it through the Tennessee Legislature without permitting amendments. Louisville also had no doubts that the powers asked for from the Tennessee Legislature were unconstitutional, which provoked the *Cincinnati Commercial* to say, "Louisville, too, has a freshness of devotion to the constitution that would be extremely touching if we did not know that her scruples grew out of a tender desire to continue in possession of advantages she now enjoys in cutting off our Southern trade."<sup>4</sup> After a determined fight, the bill passed both houses and became a law in the latter part of January, 1870.<sup>5</sup>

The Cincinnati Southern trustees realized that their strongest fight was now due to be in Kentucky. A warning went out to "the people of Cincinnati and the Trustees who have the location of the road, against the idea of looking to the Kentucky Legislature for the grant of an independent charter, to be used, managed, controlled and run wholly in the interests of your city." The informer furthermore predicted that "The rival routes, private and public interests, the jealousies of State pride, State rights, party politics (whether used rightly or wrongly, I do not say), would all conspire to prevent the granting of an independent charter."<sup>6</sup> It was evident to all that Louisville would lead the fight and seek by her great influence throughout the state to defeat any bill introduced in the interest of Cincinnati. Moreover, Kentucky had long had a traditional opposition to granting Cincinnati special favors.<sup>7</sup> This anticipated opposition of Louisville had been used by certain of the Central Kentucky communities as a club over Cincinnati. Those supporting the Knoxville route had promised less opposition from Louisville, if that route were chosen. Others who held some of the numerous railway charters that existed in Kentucky counseled their route for which a charter

<sup>1</sup> The *Cincinnati Commercial*, April 21, 1869, says that Cincinnati "has no more to fear from Frankfort or Nashville than from Columbus."

<sup>2</sup> *Cincinnati Semi-Weekly Gazette*, Nov. 16, 1869; *Cincinnati Commercial*, Dec. 13, 1869. Some of the stockholders of the Nashville and Chattanooga Railroad said they did not expect their stock to be worth two cents on the dollar; if the Cincinnati Southern Railway succeeded. *Ibid.*, Feb. 1, 1870.

<sup>3</sup> *Ibid.*, Dec. 3, 1869.

<sup>4</sup> *Cincinnati Commercial*, Dec. 2, 10, 1869.

<sup>5</sup> Boyden, *The Beginnings of the Cincinnati Southern Railway—A Sketch of the Years, 1869-1878*, 15; *Cincinnati Commercial*, Jan. 20, 1870.

<sup>6</sup> *Cincinnati Commercial*, July 1, 1869.

<sup>7</sup> *Ibid.*, May 22.

already existed, as Louisville would no doubt block a charter asked for by Cincinnati.<sup>8</sup> The truth of this warning was now proved. On the eve of the introduction of the Cincinnati bill in the Kentucky Legislature, the South felt greatly concerned. In the words of one who had traveled through that region and knew its sentiment, "If Kentucky stands in the way of this great measure of relief projected by Cincinnati, there will be a small-sized rebellion in the South—a rebellion against the old dotards who allow themselves to be led around by the nose by the selfish city of Louisville."<sup>9</sup>

From the moment the legislature met, almost every move was judged from the standpoint of its bearing on the Cincinnati Southern Railroad bill. The fight began in the appointment of committees. Louisville was able to win all the initial skirmishes.<sup>10</sup> On January 7, 1870, the trustees, through their supporters in the Legislature, had their bill introduced. It was almost identical with the one that had been introduced and passed in the Tennessee Legislature.<sup>11</sup> They came well prepared for a fight. An advance of \$20,000 on the bonds had been made to Miles Greenwood, president of the board of trustees appointed by the Cincinnati municipal government to manage the railroad, without any restrictions as to its use.<sup>12</sup> This obviated the necessity of the city auditor indicating in his annual report the amount spent by the city in lobbying. Two of the trustees remained at Frankfort most of the time during the sitting of the Legislature. They attempted to fortify their position by securing the services of John C. Breckinridge, who had returned from exile in Canada a few months previously.<sup>13</sup> With this array of money and men, the Cincinnatians expected to win easily. The *Cincinnati Commercial* reporter on the Legislature happenings said, "It is likely not only to pass, but to pass by a large majority."<sup>14</sup>

Louisville was confident that she could easily kill the bill. She had numerous lines of attack both against the bill and especially against the city that was desiring the legislation. One of the legislators favoring the bill claimed that it was Louisville's method to "pit one rival city against another, and then appeal to State pride, to the political prejudice of the people of Kentucky, against the city of Cincinnati."<sup>15</sup> Louisville had a powerful weapon in this very situation. Cincinnati was an outside city, with which a large part of Kentucky had been at war five years before and with which now the whole state was out of accord politically. The *Western Railroad Gazette* summed up the elements in the situation as "first, Louisville's commercial jealousy of Cincinnati; and second, a political hostility to the North, and especially to a northern city like Cincinnati, which sometimes gives Republican majorities."<sup>16</sup> Kentucky had turned herself squarely against the North after the war and had come to detest the national regime as much or more than any one of the Southern states that had seceded. Louisville, thus, had a field to work in well adapted to her purpose.

<sup>8</sup> *Ibid.*, May 21, 26.

<sup>9</sup> *Ibid.*, Feb. 16, 1870.

<sup>10</sup> *Congressional Globe and Appendix* 1870, Part 2, 42 Cong., 1 Sess., 8; *Cincinnati Commercial*, December, passim, 1869; *Cincinnati Semi-Weekly Gazette*, Dec. 14, 21, 1869.

<sup>11</sup> Ferguson, *Founding of the Cincinnati Southern Railway*, 35; *Cincinnati Southern Railway, Memorial of Trustees and Speech of John C. Breckinridge to the General Assembly of Kentucky*; *Cincinnati Commercial*, Jan. 8, 1870.

<sup>12</sup> *Annual Report of the City Departments of the City of Cincinnati for the Year Ending February 28, 1870*, 79.

<sup>13</sup> *Cincinnati Commercial*, March 10, 1869. For his aid, Breckinridge was promised a sum not to exceed \$3,000. Ferguson, *Founding of the Cincinnati Southern Railway*, 55.

<sup>14</sup> *Cincinnati Commercial*, Jan. 15, 1870.

<sup>15</sup> *Cincinnati Commercial*, Feb. 28, 1870.

<sup>16</sup> March 12, 1870.

Of the political sentiment obtaining south of the Ohio, a Cincinnati said, "A genuine Union daily cannot keep body and soul together in Louisville. This is not true of Memphis, Nashville, New Orleans, Montgomery, Savannah, Charleston, or Richmond, but it is true of Louisville with its population of eighty-five thousand. There is more rancor and pig-headed prejudice in Kentucky at this moment than in any three other Southern States."<sup>17</sup> These political differences between the two states were made to work overtime. Isaac Caldwell, who was one of Louisville's staunchest defenders, accused Cincinnati of helping to vote negro suffrage upon Kentucky, and then immediately coming and asking a special favor for doing it. "Ohio," he added, "forces negro suffrage upon us with one hand, and then offers ten millions to buy us with the others."<sup>18</sup>

In arguing against the bill, the first inquiry that a Kentuckian would be supposed to make would be concerning its constitutionality. Every Kentuckian, in this case, considered himself first a constitutional lawyer; other attributes came later. It is not strange, then, that the bill was strongly attacked on this ground. The Kentucky Legislature, they contended, not only had no right to grant this railway concession to a city outside the state; but the Ohio Legislature had openly and flagrantly violated their own constitution in allowing Cincinnati to vote the bonds. They were now, in effect, asking Kentucky to let them do what their own constitution forbade. Caldwell warned his state against embarking "in this wild and visionary scheme, bartering away sovereignty, honor and right for a price. \* \* \* Kentucky ought to be above purchase."<sup>19</sup> Some opponents even went so far as to say that apart from the immediate consideration of the bill, Ohio or any other state had no right inherently to act with reference to anything outside of its own jurisdiction.<sup>20</sup> The friends of the bill facetiously accused their opponents of claiming that "it was in violation of the Constitution of the United States, the Constitution of Kentucky, the Lord's Prayer and the Ten Commandments."<sup>21</sup> The opponents were asked, "Are you so squeamish on the subject of the Constitution, and constitutional violations, that you will not ride in a car that passes over a road which has any constitutional taint about it?"<sup>22</sup> The debates were long and heated. Isaac Caldwell and John C. Breckinridge held a series of open discussions in the Kentucky House before the Committee on Railroad, attended by large audiences. These railroad debates were eagerly listened to throughout the session by people from all over the state.<sup>23</sup>

Numerous methods were resorted to to defeat the bill. By ingenious arguments the opponents attempted to add amendments that would automatically kill the measure. One amendment was offered which would grant a right-of-way across the state, provided that Knoxville route were followed. This was purely an obstructionist move, as Cincinnati had chosen the Chattanooga route and the bonds could be issued for no other road. But the support this proposition received from certain of the central Kentucky representatives shows how disappointed they were in not securing the Knoxville route and how they still hoped in some way to be able to get it. However, they were unwittingly playing into the hands of Louisville and the opposition. Representative McCreary

<sup>17</sup> *Cincinnati Commercial*, Jan. 13, 1868.

<sup>18</sup> *Ibid.*, Jan. 28, 1870. The *Cincinnati Commercial* strongly deprecated Louisville's efforts to join business and politics. *Ibid.*, Feb. 3, 1870.

<sup>19</sup> *Ibid.*, Jan. 28, Feb. 2, 1870.

<sup>20</sup> *Cincinnati Commercial*, July 3, 1869.

<sup>21</sup> *Cincinnati Semi-Weekly Gazette*, Feb. 18, 1870.

<sup>22</sup> *Cincinnati Southern Railway. Memorial of Trustees and Speech of John C. Breckinridge to the General Assembly of Kentucky.*

<sup>23</sup> *Cincinnati Semi-Weekly Gazette*, March 11, 1870; *Cincinnati Commercial*, Jan. 26, Feb. 1, 1870.



of Madison County argued that Cincinnati could build the railway along the Knoxville route and still fulfill the conditions of her bond issue, by extending the road on to Chattanooga from Knoxville.<sup>24</sup>

The opposition took special delight in amending the bill beyond recognition. They resented, in the first place, an outsider coming with a previously prepared bill and asking the Kentucky Legislature to pass it without amendment. By offering amendments and forcing them through by cleverly playing on certain elements disappointed on the choice of the route, they could make the bill so objectionable to its friends that they would refuse to vote for it. An amendment was offered to force the railroad to charge no more for local freight than for through freight.<sup>25</sup> This struck at the very foundation of rate making. It was a sop to the supporters of the bill from Central Kentucky, but an impossibility to the successfully running of a railroad. For if Cincinnati were forced to charge as much for her through freight as for the local freight along the line, then the value of the road as a through connection with the Southern markets would be largely destroyed. But if she were to charge a very low rate for the local freight in order to get a desirable rate for her through traffic, the road could not be a financial success. Among other onerous amendments offered were: all lands used for any purpose must be paid for<sup>26</sup>; all cases arising against the railway must be tried in Kentucky courts only; rolling stock is subject to attachment; no freight discriminations can be allowed; the state must be given the same control over this railroad as over any other railroad in the state; no counties may make subscriptions or give bonuses to the road.<sup>27</sup>

From the very nature of the situation, many of these amendments completely nullified Cincinnati's powers. All were burdensome, but still under an ordinary case of a railway applying for a charter, some would have been nothing more than a just protection. But the case of Cincinnati was very peculiar. The city was, indeed, not asking for a charter at all, but for the right of entering Kentucky to build a railway across it. The whole proceeding was very close to an evasion of the Ohio constitution, and the city had no choice but to follow specifically the powers granted by the Ohio Legislature. Thus, when she presented her carefully worded bill and asked the Kentucky Legislature to pass it without amendment, the opponents of the road professed to see something very strange in Cincinnati's actions. When they pointed out that the road would be wholly owned and run by authorities over whom Kentucky had no jurisdiction, and that Cincinnati consistently refused to let a certain number of Kentuckians be appointed on the board of trustees, their case against the Queen City seemed unimpeachable to the man on the street. But the astute opponents knew that if Cincinnati should allow Kentuckians to become trustees, a corporation would have to be created, and there would be a clear inhibition in the Ohio constitution against aiding it with the \$10,000,000 of bonds. It was Cincinnati's task to build the railroad in her capacity as a municipal government, and to scrupulously refrain from doing anything that would make a corporation of the trustees which she had appointed to administer the business. It was, thus, a clever move on the part of the opponents of the bill to accuse Cincinnati of sinister designs on Kentucky and a lust after unheard-of powers; and it was by no means easy for Cincinnati to explain the complications to the ordinary Kentucky voter. Another argument that went hard with Cincinnati was that if she wanted

<sup>24</sup> *Cincinnati Commercial*, Feb. 16, 17, 1870.

<sup>25</sup> *Ibid.*, March 5, 1870.

<sup>26</sup> This would make it unlawful for any authority to donate land to the railroad, as was very frequently done in other cases.

<sup>27</sup> *Cincinnati Commercial*, Feb. 25, 1870.

the road on just and honorable terms, she could subscribe to one of the half dozen companies that held charters for railway across the state. This very thing, of course, she was prohibited from doing by the constitution of Ohio.

As Kentucky had been through a species of reconstruction at the hands of the North, she was very wary of outside powers exercising authority in the state. This accounts for her fear of the Federal courts as was shown in the amendment which made the Kentucky courts the first and last resort for all cases in which the railroad was a party and which laid down a heavy fine and forfeiture of all rights for removing or appealing a case to the Federal courts. It was also claimed that by the wording of the bill offered by Cincinnati, the route could be anywhere within thirty-nine counties and might enter Tennessee on a frontier of 120 miles.<sup>28</sup> This would be dangerous, as it would allow her to encroach upon other railway properties. It was, furthermore, argued by Basil Duke that the road could never pay and that its real purpose was to divert as much trade as possible from Louisville.<sup>29</sup>

The Louisville and Nashville Railroad ably supported Louisville in this fight. In fact, it was claimed by the friends of the bill that this gigantic corporation was the main source of opposition, trying to hide behind the city.<sup>30</sup> Even before the Kentucky Legislature met, the trustees had been warned that if they should wait "till they secure favorable action by the Kentucky Legislature in behalf of their proposed road, they will never build it. The Louisville and Nashville Railroad runs the Kentucky Legislature."<sup>31</sup> Incensed at the very idea of this road mixing in the fight, a representative from Central Kentucky exclaimed, "The Nashville Road! What is the record of her history, that she should attempt to throw her influence across the pathway of Kentucky legislation."<sup>32</sup> Now was the opportune time for the Central Kentuckians to get revenge against that railroad. The representative from Wayne County declared, "Our people are feeling hourly more and more the oppressions of that road. Every day the people of Kentucky feel its iron heel upon them and upon their commerce."<sup>33</sup> An appeal made by this road to stir up prejudice against Cincinnati on account of its war record was ingeniously answered in kind, with telling effect, against the road itself. The representative from Barren County charged that "Only since the war closed did the Court of Appeals relieve Billy Ball from a judgment of twelve or fourteen thousand dollars, recovered against him by this remorseless corporation, for the only offense that he happened to be out with John Morgan at one time when the Louisville and Nashville was torn up, though he himself was not near at the time."<sup>34</sup>

This opposition to the bill was confined almost wholly to the western part of the state, which was controlled by Louisville and her railroad. It came to be the bitterest kind of a sectional fight within the state, or as one person expressed it, it was a "battle between a growing city and a number of railroad corporations, on the one hand, and the city of Cincinnati and the people of the counties through which, and adjacent to which, the proposed Southern road is to run, on the other."<sup>35</sup> When

<sup>28</sup> *Cincinnati Commercial*, Feb. 25, 1870.

<sup>29</sup> *Ibid.*, Feb. 18.

<sup>30</sup> *Ibid.*, March 5.

<sup>31</sup> *Ibid.*, Aug. 3, 1869.

<sup>32</sup> *Ibid.*, Feb. 28, 1870.

<sup>33</sup> *Cincinnati Commercial*, Feb. 25, 1870.

<sup>34</sup> *Ibid.*, March 5.

<sup>35</sup> *Ibid.*, Dec. 4, 1869; *American Annual Cyclopaedia, and Register of Important Events*, 1871, 431. One who was bitter against Louisville said, "The vital interests of the 'first city of the State' require that all works of internal improvements shall tend to carry trade to her mart; if they do not, why, then, of course, they

the opposition had become so strong as to threaten to defeat the bill a veritable storm of indignation arose throughout Central Kentucky and the Blue Grass region. Delegations from almost every county in this section went to Frankfort to work for the bill.<sup>36</sup> George H. Pendleton, president of the Kentucky Central Railroad, promised his unqualified co-operation in furthering the measure.<sup>37</sup> Many of the cities held meetings memorializing the Legislature to pass all measures necessary for the construction of the railroad.<sup>38</sup> The Tennessee Legislature, suddenly realizing that the bill was about to fail, sent a telegram to Frankfort asking that the vote be postponed until certain Tennessee legislators could arrive to be heard.<sup>39</sup>

But before the Legislature was ready to vote on the bill, some very astonishing events happened. Although innocent enough in their outward appearance, there seems to be little doubt that they were polite means of bribery, or at least efforts to make people feel ungrateful if they did not choose to follow a certain course of action. About the middle of February, 1870, the City of Louisville invited the Legislature to take part in the celebration of completion of the bridge across the Ohio River at that point.<sup>40</sup> Upon learning of this, Cincinnati immediately invited the Legislature to partake of her hospitality; and soon afterwards Covington and Newport, her satellites, did likewise.<sup>41</sup> After some discussion, the Legislature decided to accept the invitations of all four cities.<sup>42</sup> The members visited Louisville first. The city did its best to entertain its guests with its traditional hospitality.<sup>43</sup> Loaded with legislators, trains were run across the bridge for the first time. The usual sightseeing with banquets and receptions followed.<sup>44</sup> The city government spent \$4,370.90 in convincing the legislators of its goodwill.<sup>45</sup> Cincinnati charged the Louisville and Nashville Railroad with giving a banquet to the legislators which cost \$1,450.<sup>46</sup>

Louisville's invitation to the Legislature had taken Cincinnati by surprise. Believing that this was an adroit move to influence the Legislature, Cincinnati hastened to administer an antidote by securing a visit of the Legislature to her city there to show it her hospitality. She, thus, found herself on short notice feverishly making preparations for receiving her guests. She sent a committee to Louisville to welcome them who together with the committee left for Cincinnati by steamer.<sup>47</sup> When they had proceeded as far as Lawrenceburg, Indiana, ought not to receive any countenance." *Cincinnati Semi-Weekly Gazette*, Dec. 14, 1869.

<sup>36</sup> *Ibid.*, Feb. 15, 1870; *Cincinnati Commercial*, Feb. 16, 1870.

<sup>37</sup> *Ibid.*, Dec. 31, 1869. This was unusual generosity, as the Cincinnati Southern would without doubt virtually parallel the Kentucky Central.

<sup>38</sup> At a meeting in Covington, the following resolution was adopted: "We, the citizens of Covington, in mass meeting assembled, have learned with the most unfeigned regret and surprise that there is opposition of a serious character in the Kentucky Legislature to pass what is called the Cincinnati Southern Railroad Bill." *Ibid.*, Feb. 8, 1870.

<sup>39</sup> *Ibid.*, March 4, 1870.

<sup>40</sup> *Cincinnati Commercial*, Feb. 16, 1870.

<sup>41</sup> Collins, *History of Kentucky*, Vol. I, 201.

<sup>42</sup> *Cincinnati Semi-Weekly Gazette*, Feb. 18, 22, 1870; *Cincinnati Commercial*, Feb. 17, 1870; *Acts of the General Assembly of the Commonwealth of Kentucky Passed at the Regular Session of the General Assembly, which was Begun and Held in the City of Frankfort on Monday, the Sixth Day of December, 1869, 152.*

<sup>43</sup> *Cincinnati Commercial*, Feb. 18, 1870.

<sup>44</sup> *Ibid.*, Feb. 17.

<sup>45</sup> These are the expenses as reported by the auditor: Opera House, \$69.25; Newcomb's Minstrels, \$22; Galt House Company, \$3618.80; U. S. Hotel, \$1.50; National Hotel, \$5; Willard Hotel, \$57.75; Louisville Hotel, \$22.50; Andy Schneider (music), \$150.00; Carriages, \$424. *Louisville Municipal Reports for the Fiscal Year Ending December 31st, 1870, 48, 49.*

<sup>46</sup> *Cincinnati Commercial*, July 13, 1870.

<sup>47</sup> *Ibid.*, Feb. 19.

they were met by a steamer from Cincinnati, decked with flags. Bands of music on the boat and cannon from the riversides loudly welcomed the visitors. The two river crafts were joined together by an iron link as token of the close friendship of Cincinnati and Kentucky. In this manner they proceeded to Cincinnati. Here they were received with a great demonstration on the riversides. In describing the great event for the city, the Cincinnati Commercial said, "The city was in a blaze of enthusiasm, yesterday, in welcoming again to the State of Ohio the representatives of the great Commonwealth of Kentucky." A truly magnificent banquet was given in a hall decorated with the flags and coats-of-arms of many of the Western and Southern states. The history of the past was dipped into, with special emphasis on the ancient friendship of Ohio and Kentucky. Lavish praise was heaped upon the commonwealth to the South for her generous aid in helping to redeem Ohio from the Indians. It was also recalled how Ohio had voted for Kentucky's nominee for the presidency, and how Kentucky had returned the compliment by voting for an Ohio son. But these reminiscences stopped short with the Civil war. A strange combination of "Dixie" and "Yankee Doodle" was played, which "elicited unbounded enthusiasm." The banquet ended with three cheers for Kentucky and Ohio. The guests were presented with silk badges bearing a neatly interwoven monogram of the two letters K and O. Printed on the bill of fare was the Kentucky coat-of-arms and her motto, "United we stand. Divided we fall." On the reverse side was the coat-of-arms of Ohio and the inscription surrounded by a golden circle, "Cincinnati's welcome to Kentucky."<sup>48</sup>

Cincinnati assumed a most patronizing attitude in every way. George H. Pendleton, a prominent democrat, was made chief of ceremonies on most occasions. Governor Hayes of Ohio was among those welcoming the Kentuckians. At the banquet the most evident subject on the minds of the Cincinnatians was sedulously avoided by all, until one of the less discreet members from Central Kentucky mounted a chair and led the yell, "Three cheers for Democratic George H. Pendleton and the Southern Railroad." Confederate generals and Kentucky politicians, who had been unceasingly attacked for the past ten years, were now being entertained and praised. The Cincinnati Commercial headed the first column of the first page with a neatly engraved monogram of the letters K and O, and devoted the whole page to an account of the banquet.<sup>49</sup> The city spent \$6,389 in entertaining her visitors.<sup>50</sup> The Louisville Courier-Journal remarked, "The Kentucky Legislature is being petted and caressed and trotted in the lap of Cincinnati to its infinite delight. There is no use in talking, Cincinnati has succeeded pretty well in her desperate effort to get ahead of Louisville in the way of hospitable receptions and entertainments."<sup>51</sup>

Cincinnati in her endeavor to leave a favorable impression on the legislators, who were to vote on the Cincinnati Southern Railroad bill soon, had undoubtedly gone beyond propriety and tact in her prodigality of expense and praise. To the Louisville Courier-Journal, it appeared to be "the most shameless and the most splendid scheme of corruption that ever disgraced this part of the country." "It was obviously indecent. It was an open insult." This paper accused Cincinnati of open bribery: "She assumes that the bridge celebration is only a pretext on

<sup>48</sup> Cincinnati Commercial, Feb. 20, 1870.

<sup>49</sup> Feb. 20, 1870.

<sup>50</sup> Annual Reports of the City Departments of the City of Cincinnati for the Year Ending February 28, 1871, 85. The legislature returned through Covington and Newport and was entertained by them. Cincinnati Commercial, Feb. 22, 1870.

<sup>51</sup> Feb. 19, 1870.

the part of Louisville to get the Legislature here to buy it; she assumes that the Legislature may be bought, and she makes haste, on these degrading assumptions, to beckon the Legislature hence, that she may have the last bid."<sup>52</sup> To the *Courier-Journal* there was now no road open to the Legislature but to defeat the Cincinnati Southern Railroad bill, and thereby vindicate their own good name and that of the commonwealth: "For the sake of that public credit which we still cherish in Kentucky, and for the honor of the old Commonwealth which has preserved her good name untarnished thus far, we look for a vote this week which—whatever may be said of the indiscretion of members—will place their integrity beyond the shadow of suspicion."<sup>53</sup> There is no doubt that Louisville made capital out of this incident, and that it proved more or less a boomerang to Cincinnati.<sup>54</sup>

After two months of discussion, the Legislature finally decided to take a vote on the bill. The House on March 1 defeated it by a majority of four—the vote standing 48 to 44; and the Senate voting three days later killed it by 22 to 13. Just before the vote was taken in the House, the governor sent a communication announcing the ratification of the Fifteenth Amendment, by Rhode Island, Virginia, and Nebraska—most likely a subtle play on sectional prejudice. On the day following the defeat in the Senate, the Legislature passed a resolution thanking Louisville, Cincinnati, Covington, Newport and Geo. H. Pendleton "for the generous and lavish hospitality extended to the members thereof \* \* \*"<sup>55</sup> A communication received from twenty-three Tennessee legislators, regretting that the bill had been defeated, was buried with the committee on railroads.<sup>56</sup>

This was a fight in which both sides had used every means at their command to win. As for money, the Cincinnati trustees had come armed with \$20,000, for the spending of which they need make no report. How much of this they used in their efforts to get the bill passed, it is impossible to state. Louisville listed in the report of her auditor the amount of \$4,800 for "expenses of Committee at Frankfort." This item also appears: "Isaac Caldwell, judgment \$2,112.10."<sup>57</sup> It seems true, and was so charged by Cincinnati, that Louisville refused to pay Caldwell a promised fee for his services at Frankfort, and that he sued the city and was awarded the above judgment. Bitter prejudices and omnipresent politics played their full part in this fight. However much Cincinnati tried to bury past unpleasantnesses in costly banquets and entertainments, lauding Confederate generals and democratic politicians, Louisville replied by reminding Kentuckians of the "damned abolition city" and negro suffrage. In the words of the *Cincinnati Commercial*, "Thus by influence of a gigantic monopoly, and through the unquenched fires of the rebellion, which keeps alive political prejudice, the rights of the people of Central Kentucky are crushed out, and the friendly hand of Ohio is rejected with spurning and contempt."<sup>58</sup>

<sup>52</sup> Feb. 22, 1870. This is quoted in the *Cincinnati Commercial*, Feb. 23, 1870. Continuing, the *Courier-Journal* said, "The invitation was not only a double insult, an insult to the legislature and to Louisville, but it was a declaration of war by the metropolis of Ohio against the metropolis of Kentucky; a throwing down of the wager of battle; an assertion of rivalship for the possession of the law-making power of Kentucky, and, therefore, an insult to the entire Commonwealth."

<sup>53</sup> Quoted in *Cincinnati Commercial*, Feb. 23, 1870.

<sup>54</sup> Collins, *History of Kentucky*, Vol. I, 202; *Cincinnati Commercial*, March 5, 1870; *Cincinnati Semi-Weekly Gazette*, March 4, 1870.

<sup>55</sup> *Acts of the General Assembly of the Commonwealth of Kentucky Passed at the Regular Session of the General Assembly, which was Begun and Held in the City of Frankfort on Monday, the Sixth Day of December, 1869*, 154.

<sup>56</sup> Collins, *History of Kentucky*, Vol. I, 201, 202.

<sup>57</sup> *Louisville Municipal Reports for the Fiscal Year Ending December 31st, 1870*, 50.

<sup>58</sup> March 2, 1870.

## VI

## RESULTS OF THE FIRST DEFEAT—A SECOND ATTEMPT

Louisville thus won her first legislative victory against Cincinnati in its efforts to capture the Southern markets. It was fittingly celebrated by members of the Legislature in a banquet held the night following the bill's defeat in the House.<sup>1</sup> But it was with a different feeling that the friends of the bill received the news. The Cincinnati Chamber of Commerce characterized it as "a piece of legislation in violation of the comity of States \* \* \* which would be considered by contiguous and independent States as a hostile act \* \* \*" <sup>2</sup> An attorney for the Cincinnati Southern trustees, speaking of the opposition encountered, said it was "the most determined and positive that was ever inaugurated against any bill before any legislature; there was never such opposition to any measure before the Kentucky Legislature as there was to this." <sup>3</sup> Even many disinterested persons believed this action of the Kentucky Legislature to be very reprehensible. The *Western Railroad Gazette* characterized it as "worthy of the dark ages" and a proceeding, which if attempted "in one of our Western States \* \* \* would be likely to occasion something like an insurrection." <sup>4</sup>

The bitterest disappointment prevailed in Central Kentucky. The people of that section felt that they had been sacrificed to the greed and short-sightedness of Louisville.<sup>5</sup> Their first impulse was to attack the city and its railroad with all the scathing language at their command. The *Cynthiana Democrat* summed up the situation thus: "The country traversed is willing and more than willing, but here comes in the mean envy of a second-rate city that happens to be on our side of the river, to oppose it, like the dog in the manger \* \* \* So far as this part of the State is concerned, Louisville might be removed from the map tomorrow without the disturbance of trade to the amount of a dollar, and without \* \* \* the loss of much good will \* \* \* Cincinnati is worth six of her in importance, in enterprise, in liberality, and in everything that goes to make up a city worth trading with and to be proud of. Cincinnati has as many Kentuckians, and friends of Kentuckians, among her people as has Louisville, the little snob." <sup>6</sup>

But the disappointed people were not disposed to stop with bitterly attacking with words "this second, third, or fourth rate place, disposed to swallow, without thanks, whatever the lines of trade compel to flow into its greedy mouth, but never with anything to give in return." <sup>7</sup> One of the most effective ways to fight the city was to stop trading with her. Attempts were made to induce the people throughout the whole Central Kentucky region to hold meetings and resolve on boycotting all Louisville trade.<sup>8</sup> Danville merchants decided to haul their freight by wagon twenty-four miles to and from the Southern extremity of the Kentucky Central Railroad and thereby be enabled to trade with Cincinnati, rather than connect with the Louisville and Nash-

<sup>1</sup> *Cincinnati Commercial*, March 5, 1870.

<sup>2</sup> *Ibid.*, April 22.

<sup>3</sup> Boyden, *The Beginnings of the Cincinnati Southern Railway—A Sketch of the Years, 1869-1878*, 15.

<sup>4</sup> March 12, 1870.

<sup>5</sup> *Cincinnati Semi-Weekly Gazette*, March 11, 1870. For like expressions, see *Cincinnati Commercial*, March 5, 1870. A correspondent to the *Cincinnati Commercial*, March 2, 1870, says, "Intense feeling prevails among all those here from Central Kentucky. They vow eternal hostility there as to Louisville and the Louisville and Nashville Railroad. They believe they have been sacrificed."

<sup>6</sup> Quoted in *Cincinnati Commercial*, Feb. 18, 1870.

<sup>7</sup> From *Cynthiana Democrat*, quoted in *Cincinnati Commercial*, February, 1870.

<sup>8</sup> *Cincinnati Semi-Weekly Gazette*, March 11, 1870.

ville Railroad four miles distant.<sup>9</sup> Lexington, Versailles, and many other towns of this region refused absolutely to trade with Louisville. Drummers from the Falls City were treated with "cold comfort" in all the interior towns of the Blue Grass region.<sup>10</sup> One observer reported that "Her drummers have quit visiting that region. They might as well go to Africa after orders \* \* \* Louisville has lost the trade of Central Kentucky, and lost it for good."<sup>11</sup> For the time, it appeared difficult for Louisville to become more unpopular. A friend of Louisville now becoming disgusted with her course gave warning that "if it is the policy of Louisville to build her palatial residences by grinding into the mud the rest of the State, and fill her pocketbook by making beggars of all other Kentuckians, then I am no longer an advocate for the City of Louisville, but am a State Rights man, advocating the good of my State."<sup>12</sup>

The Louisville and Nashville Railroad was equally blamed for the defeat of the Cincinnati Southern project. The *Kentucky Statesman* attacked it as "a soulless, selfish company—tyrannical in its power and grinding in its exercise. It is hated from one end of it to the other, and all along its branches."<sup>13</sup> Louisville gradually began to wake up anew to the unexpected opposition against herself she had stirred up. The president of the Board of Trade saw this whole section of the state seeking revenge.<sup>14</sup> But Louisville was not without her defenders. Garrett Davis, in the Senate at Washington, said of the whole affair: "Cincinnati inveighs vehemently and bitterly against the selfishness of Louisville, for having procured the defeat in the Kentucky Legislature of a proposition, that the State should surrender in perpetuity to her corporation the right of way and all the franchises of a railroad across the entire breadth of her territory; and this extraordinary proposition to come from Cincinnati to another State, having a rival city, if you please, without any effort to modify the constitution of Ohio, so as to enable her to ask for and receive a charter from Kentucky in the usual form. Pray, what but selfishness, and sinister selfishness, could have prompted her to enter upon so extraordinary enterprise. It is a common devise with thieves to join in the pursuit, and to shout loudest the cry, 'Thief!' 'Thief!'"<sup>15</sup>

But neither Cincinnati nor Central Kentucky was ready to give up the fight. The surveys on the route and other work preliminary to building the road was kept going as if the right-of-way had been granted.<sup>16</sup> Unfortunately a new Legislature would not be elected until the following year (1871). But still it would be possible to stir up the people of the state to such a pitch that they would demand that their legislators pass the bill. The *Cincinnati Commercial* predicted that "The question whether Kentucky belongs to the Nashville road, and is reduced to the New Jersey level by being the ill regulated property of a corporation, is one that will agitate the old Commonwealth as nothing since the outbreak of war, in 1861, has done."<sup>17</sup> A railroad convention was called for all Central Kentucky, to meet in Lexington in October. Two thousand delegates gathered at this convention, representing twenty-six counties.<sup>18</sup> It drew resolutions memorializing the

<sup>9</sup> *Cincinnati Commercial*, April 1, 1870.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*, Jan. 18, 1871.

<sup>12</sup> *Ibid.*, Dec. 1, 1870.

<sup>13</sup> Quoted in *Cincinnati Semi-Weekly Gazette*, March 11, 1870.

<sup>14</sup> *Cincinnati Commercial*, May 22, 1869.

<sup>15</sup> *Congressional Globe*, 1871, Part 2, Appendix, 42 Cong., 1 Sess., 8.

<sup>16</sup> *Cincinnati Commercial*, March 8, 1870.

<sup>17</sup> *Ibid.*, March 2, 6; *Cincinnati Semi-Weekly Gazette*, Oct. 18. Dec. 20, 1870.

<sup>18</sup> *Cincinnati Southern Railway. Memorial of Trustees and Speech of Hon. John C. Breckinridge to the General Assembly of Kentucky and Proceedings*

next session of the Legislature to grant Cincinnati the right-of-way, and marked for the slaughter in the first election all those who should vote against the bill. A number of influential men were appointed to agitate the question throughout the state until the Legislature should meet.<sup>19</sup>

As it was deemed certain that all legislators from Central Kentucky would vote for the bill, efforts were made to stir up that part of the state which had opposed it. A vigorous campaign was begun in Western Kentucky, the stronghold of the enemy. Every senator and all except three of the representatives from this section had voted against the bill.<sup>20</sup> The method pursued was to call meetings in the different counties, explain the position of Central Kentucky, berate Louisville for her selfishness, and introduce resolutions calling upon their representatives to vote for the Cincinnati Southern Railroad bill in the next session. Such resolutions were successfully adopted in McLean, Ohio, Breckinridge, Webster, Union, Hancock, Henderson, and Hopkins counties. The representatives from the last two counties were induced to promise to vote for the bill.<sup>21</sup> Louisville, much concerned with this apparent revolt of the territory that had always been subsidiary to herself, sent speakers to stem the tide. The advocates from Central Kentucky recounted how their part of the state had always rallied to the support of Western Kentucky to help in securing her excellent railroad connections, and they charged that now it was nothing more than just that they should help Central Kentucky find an outlet for her iron, coal, and farm products.<sup>22</sup> It would be a development that would work for the benefit of the whole state. The Louisville speakers had some difficulty in effectively answering this argument. They attempted to hide Louisville's selfishness in calling attention to Cincinnati's greed. One of them is said to have used the bizarre argument that "the object of Cincinnati \* \* \* is to secure a strip of Kentucky territory eighty feet wide. Upon this eighty feet strip she would settle all the negroes she can procure from this State and other States, and with them she will control the policy of Kentucky \* \* \* Kentuckians! beware!"<sup>23</sup> With the campaign ended, Central Kentucky felt that she had carried the war successfully into the enemy's territory, and it was with a new hope that she entered the fight again to procure the right-of-way.

The Legislature met on January 4, 1871, and on the second day the Cincinnati Southern Railroad bill was introduced in the House.<sup>24</sup> The bill had been considerably changed and now its more optimistic friends looked for its certain passage. But a keener observer predicted that the bill would pass by a bare majority in the House, but would fail in the Senate.<sup>25</sup> The editor of the *Cincinnati Semi-Weekly Gazette* was disposed to go about the fight in a plain business-like way. He said, "the City of Cincinnati will neither supplicate for the privilege of

of the *Lexington Railroad Convention, 1871; Cincinnati Semi-Weekly Gazette*, Oct. 11, 1870; Collins *History of Kentucky*, Vol. I, 207.

<sup>19</sup> *Cincinnati Commercial*, Oct. 11, 22, 1870.

<sup>20</sup> *Cincinnati Commercial*, Dec. 1, 1870.

<sup>21</sup> The following resolution passed in Hancock County is typical: "Resolved That in the judgment of the people of Hancock County, a direct railroad from the City of Cincinnati, in the State of Ohio, to the City of Chattanooga, in the State of Tennessee, is demanded by the commercial, mechanical, and social interests of the people North and South, and that its construction would be advantageous to the people of Kentucky generally, but especially so to that part of the State through which it will pass, and that it would injure no legitimate interest in any other part of the State." *Ibid.*

<sup>22</sup> *Cincinnati Commercial*, Dec. 1, 1870.

<sup>23</sup> *Ibid.*, Louisville was accused of boasting that she had \$300,000 to spend in blocking the Cincinnati Southern Railroad. *Ibid.*

<sup>24</sup> *Ibid.*, Jan. 5, 6, 1871.

<sup>25</sup> *Ibid.*, Jan. 7, 12.



building this road as a favor nor will it use any irregular means to overcome any Kentucky opposition." He stated that Cincinnati intended to keep no lobby or pleasure house in Frankfort, and that it would be foolish to build the road if Kentucky was to assume a hostile attitude.<sup>26</sup> Despite this disclaimer, Cincinnati had one of the railroad trustees in Frankfort working for the road, and using whatever help he could command.<sup>27</sup> She also had her lobby room in the capitol.

Louisville was as much opposed to the bill now as she had ever been, and she used every effort to defeat it. The *Cincinnati Commercial* remarked that "The *Courier-Journal* is daily instructing the people of Cincinnati how to obtain the Southern trade without paying for a railroad. This is very kind."<sup>28</sup> Louisville used all of her old arguments and her old methods. A visitor there said, "Go where you will in street, hotel or store, you hear discussions, angry and otherwise, about 'Cincinnati's little game,' as many choose to call it."<sup>29</sup> Amendments of every kind were added to impede the bill's passage. The amendment, providing for the appointment of five Kentuckians as trustees on the board to administer the road, was again introduced, and, when, of course, this had to be refused, the bill lost friends.<sup>30</sup> Louisville also had her lobby room in the capitol where refreshments were always to be had.<sup>31</sup> On January 11, a news dispatch announced that "The Louisville lobby spread their first free lunch today."<sup>32</sup> The expenses of Louisville's "Committee at Frankfort" amounted to \$4,980 for this session of the Legislature.<sup>33</sup>

Strong pressure from many quarters was brought to bear upon the Legislature to force favorable action. Petitions came in great numbers from Central Kentuckians asking that the bill be passed. Some persons suggested that the supporters of the measure resort to methods of obstruction to prevent the regular functioning of the governmental machinery until favorable action should be had on the bill. To them it appeared that Central Kentucky was not only not receiving any benefits from the government, but that she was even being openly sacrificed to the greed of the rest of the state.<sup>34</sup> A memorial signed by nineteen senators and sixty representatives was sent up by the Tennessee Legislature asking favorable action on the bill.<sup>35</sup> The governor of Georgia sent a delegation to Frankfort to plead for the railroad.<sup>36</sup> The *Atlanta Sun* said, "We think when Kentucky shall thoroughly consider this matter, the recent legislative action will be reversed. The short-sighted policy which dictated the course recently pursued by that State brings her into a smart degree of reproach."<sup>37</sup> Much to the unpleasant surprise of Louisville, the incorporators of the Tennessee end of the Chat-

<sup>26</sup> Jan. 10, 1871.

<sup>27</sup> *Cincinnati Commercial*, Jan. 14, 1871.

<sup>28</sup> *Ibid.*, Jan. 6. A visitor after looking over the situation there said, "Aside from the merchants, the nabobs, and the Louisville and Nashville Railroad influence, there are few in Louisville who care to oppose the Cincinnati Railroad charter." *Ibid.*, Jan. 9.

<sup>29</sup> *Cincinnati Commercial*, Jan. 6, 1871.

<sup>30</sup> *Ibid.*, Jan. 12, 28.

<sup>31</sup> *Ibid.*, Jan. 23.

<sup>32</sup> *Ibid.*, Jan. 11.

<sup>33</sup> *Louisville Municipal Reports for the Fiscal Year Ending December 31st, 1871*, 61.

<sup>34</sup> *Cincinnati Commercial*, Jan. 12, 1871.

<sup>35</sup> *Ibid.*, Jan. 14.

<sup>36</sup> *Ibid.*, Feb. 12; *American Annual Cyclopaedia, and Register of Important Events, 1871*, 431.

<sup>37</sup> Quoted in *Cincinnati Commercial*, Jan. 14, 1871. The *Daily Chattanooga Times* said it was not through a preference for Cincinnati over Louisville that the South was wanting the road, but through a desire to get better and more outlets. *Cincinnati Commercial*, June 26, 1871.

tanooga and Louisville Railroad (the road projected by Louisville as a counter-move against Cincinnati) came out in favor of the bill.<sup>38</sup>

Supported by this united opinion of the South and of Central Kentucky, Cincinnati felt that the bill should surely go through this time. In early January the Superior Court of Cincinnati had declared the Ohio law enabling Cincinnati to build the railroad constitutional. Cincinnati could see no peg on which the lawyers of Kentucky could now hang their constitutional arguments.<sup>39</sup> On the 25th of January the House took a vote on the bill and defeated it 44 to 43. On the following day a reconsideration was ordered, resulting in the passage of the measure 46 to 45.<sup>40</sup> This close victory in the House gave hopes of success in the Senate. The most intense feeling prevailed throughout the state. The representative from Jessamine County, who voted against the bill, was ordered by his constituency to resign. He complied by handing in his resignation to the House, but was prevailed upon by his fellow-members to reconsider. He finally promised to remain, provided he were excused from voting on the bill thereafter.<sup>41</sup> A flood of petitions now almost inundated the Senate. For more than two weeks it delayed a vote while Louisville and the opposition feverishly strengthened their defenses. At last on February 12, it decisively defeated the bill 25 to 12.<sup>42</sup> The question went to the voters of the state in the election of the following autumn.

## VII

### ATTEMPT IN CONGRESS—SUCCESS IN THE KENTUCKY LEGISLATURE

Since the end of the war, people had begun to acquire a different idea of the National Government and of its powers. They now looked to Congress for many things, which they had formerly considered to be within the exclusive control of the states. With this idea in mind some of the more radical advocates of the Cincinnati Southern Railway, upon its first defeat declared that the only method for securing the road would be to go to Congress for it. A Kentuckian said, "We often hear such talk as this: Cincinnati has threatened to crack the Congressional whip over us if we do not give them a charter for her road."<sup>1</sup> But these threats were not confined to Cincinnati alone. A Chattanooga immediately after the first defeat of the bill had advocated going to the National Government to secure the road under the guise of a mail route, which Congress undoubtedly had the right to establish.<sup>2</sup> And even some Kentuckians were in favor of having their state further "coerced and ruled" by the Federal power. The *Frankfort Commonwealth* demanded congressional action, claiming that it would be acceptable to the people of Kentucky under the circumstances.<sup>3</sup>

But the trustees of the Cincinnati Southern were not yet ready to identify themselves with so tactless a move. They first intended to exhaust every possibility in Kentucky before taking such a radical step, well knowing that they would stand a much less chance of ever getting it from Kentucky, if they should once go to Congress. So they refused to allow their names to be used in connection with the scheme. But

<sup>38</sup> *Cincinnati Commercial*, Jan. 25, 1871.

<sup>39</sup> *Ibid.*, Jan. 5; *Cincinnati Semi-Weekly Gazette*, Jan. 6, 1871.

<sup>40</sup> *Cincinnati Commercial*, Jan. 26, 1871; *American Annual Cyclopaedia and Register of Important Events*, 1871, 431.

<sup>41</sup> *Cincinnati Commercial*, Jan. 28, 1871.

<sup>42</sup> *Cincinnati Commercial*, Feb. 6; Collins, *History of Kentucky*, Vol. I, 209.

<sup>1</sup> *Cincinnati Commercial*, Sept. 29, 1870.

<sup>2</sup> *Ibid.*, March 10.

<sup>3</sup> *Ibid.*, March 21.



AGAINST
  FOR
  NOT VOTING

VOTE IN THE KENTUCKY HOUSE OF REPRESENTATIVES ON THE CINCINNATI SOUTHERN RAILROAD BILL, JAN. 25, 1871

a self-constituted committee in Cincinnati decided to stand sponsor for the movement and urge it on. They prepared a statement in the latter part of March, 1870, a copy of which was sent to all the Ohio members of Congress, arguing that Kentucky would never grant the right-of-way, and hence there was nothing to be lost in prejudicing their case with that state. They, furthermore, claimed that congressional action would be constitutional, and they urged the delegation to support such a measure.<sup>4</sup>

In pursuance of this movement John Sherman, an Ohio senator at this time, introduced on March 15, 1870 "A bill to promote commerce and to cheapen the transportation of the mails and military and naval stores between Cincinnati and Chattanooga."<sup>5</sup> This was to be done by building a railroad to be called the "Cincinnati and Chattanooga Railroad." The trustees of the Cincinnati Southern refused to be named as incorporators in this bill, seeing too well that it could be of absolutely no value to them. The bill was designed to incorporate a company with a charter—something that Cincinnati did not want. It was, indeed, highly necessary for the trustees to avoid any move that would tend to regard them as a corporation or attempt to make them one. They were the City of Cincinnati and needed no further incorporation nor powers conferred by a charter. What they wanted was merely the permission to build a railroad across the state of Kentucky—nothing more. As the *Cincinnati Semi-Weekly Gazette* expressed it, "Charters are as plentiful as blackberries in Kentucky."<sup>6</sup> The bill had not gone far before it met a strong enemy in the person of Garrett Davis, senator from Kentucky.<sup>7</sup>

Upon the second defeat of the Cincinnati Southern bill in the Kentucky Legislature, there began to arise in Central Kentucky, itself, strong sentiment for congressional action. The *Cincinnati Commercial* said, "A very large proportion of the people of Kentucky are greatly and justly irritated by the conduct of Louisville business men and hide-bound politicians throughout the State on this question. We presume that the intervention of Congress will be invited in this matter."<sup>8</sup> The trustees, themselves, had by this time become convinced that their main hope lay in Congress. So, on February 9, 1871, at their request, John Sherman introduced a bill in the United States Senate, providing for a right-of-way for a railroad across the State of Kentucky.<sup>9</sup> Four days later Job E. Stephenson, a representative from Cincinnati, introduced a bill in the House "to promote the construction of the Cincinnati and Southern railway."<sup>10</sup> The fight in Congress was now on.

It was a strange happening when Kentuckians were found evoking the National power against their own state government. And it was generally with a word of regret that most of them began. But they claimed that 300,000 Kentuckians had been outraged by their own Legislature, and that the only way left to get justice was to go to Congress. Meetings were held throughout Central Kentucky to promote sentiment for the congressional bill. In Covington, persons were stationed at the ferries, railway station, and other public places to secure signatures

<sup>4</sup> *Report of the Committee on Railroads of the Board of Trade of Cincinnati on the Congressional Bill Incorporating the Cincinnati and Chattanooga Railroad Company* (Cincinnati, 1870), a pamphlet in *Cincinnati Miscellaneous Pamphlets*, Vol. I, in Wisconsin Historical Library.

<sup>5</sup> *Congressional Globe*, Part 3, 41 Cong., 2 Sess., 1869-1870, 1948.

<sup>6</sup> Jan. 24, 1871; *Cincinnati Commercial*, March 18, 1870.

<sup>7</sup> *Congressional Globe*, Part 4, 41 Cong., 2 Sess., 2862.

<sup>8</sup> Ferguson, *Founding of the Cincinnati Southern Railway*, 56; *Cincinnati Commercial*, Jan. 26, 1871.

<sup>9</sup> *American Annual Cyclopaedia and Register of Important Events*, 1861, 431.

<sup>10</sup> *Congressional Globe*, Part 2, 1870-1871, 41 Cong., 3 Sess., 1186; *Cincinnati Commercial*, Feb. 14, 1871.

for a petition to Congress.<sup>11</sup> Boyle County citizens met in Danville and passed resolutions calling upon the Kentucky senators and representatives to vote for the bill. But their traditional jealousy of Federal interference showed itself when they demanded an amendment to the bill, providing that all cases arising in connection with this railroad should be tried exclusively in Kentucky courts.<sup>12</sup> Lexington held a meeting urging Congress to pass the bill.<sup>13</sup> Petitions went up from many of the Central Kentucky counties begging Congress for favorable action.<sup>14</sup>

The South, also, was able to forget for a time its hatred of Federal interference in state affairs. Numerous committees from Tennessee and Georgia went to Washington to lobby for the road.<sup>15</sup> In the *Atlanta New Era* a writer asked that "Every city, every village and every railroad company north and south of Kentucky should raise its voice in one loud and re-echoing cry to sustain and encourage Congress to speedily grant it."<sup>16</sup> Cincinnati entered into the fight with all her power. She believed that final victory was now near: "Congress, at least, will not make us suffer for our loyalty in the past—will not, in such an utterly unpolitical matter, allow a faction to tear open old prejudices and parade them against us."<sup>17</sup> The Board of Trade, the city alderman and councilman, and the Chamber of Commerce, united their activities in sending men to Washington to lobby for the bill.<sup>18</sup>

But enthusiasm for congressional meddling in state affairs was not found everywhere. Outside of the Central Kentucky enthusiasts, Kentucky received news of this latest move, with an outburst of surprise and indignation.<sup>19</sup> The opponents of the railroad had not thought it possible for the Central Kentuckians to be so wrought up as to forget the cardinal doctrines of true Kentuckians. The feeling of the state as a whole was traditionally and unalterably against Federal control of state destinies. She had laid most of her woes since the war at the door of Federal officials. This apparent treason of part of her people was bitterly attacked. The Kentucky House on February 11 instructed the Kentucky members of Congress to vote against the bill and to work for its defeat.<sup>20</sup> James B. Beck, who represented the Lexington district, on being petitioned by his constituency to vote for the bill, was caught between two fires. If he voted against the bill he was not truly representing his constituency; if he voted for the bill he went against the instructions of the Kentucky Legislature and at the same time abandoned the doctrine that a state has the right to manage its own internal affairs. He squared himself with his conscience and with the whole situation by offering to resign.<sup>21</sup> However, he was in favor of the road, if obtained by the proper method: namely, in the Kentucky Legislature. When Cincinnati had first appeared before the Kentucky Legislature he had counselled compliance with her wishes, for fear of congressional interference if an opposite course were pursued.<sup>22</sup>

<sup>11</sup> *Ibid.*, Feb. 11, 12, 23.

<sup>12</sup> *Ibid.*, Feb. 17.

<sup>13</sup> *American Annual Cyclopaedia and Register of Important Events*, 1871, 432; Ferguson, *Founding of the Cincinnati Southern Railway*, 36, 37.

<sup>14</sup> *Cincinnati Commercial*, Feb. 12, 16, 1871.

<sup>15</sup> *Ibid.*, Feb. 27.

<sup>16</sup> Quoted in *Cincinnati Commercial*, Feb. 17, 1871.

<sup>17</sup> *Ibid.*, Feb. 15.

<sup>18</sup> *Ibid.*, Feb. 12. The municipal government paid \$253.90 for lobbying in Washington, apart from the amount spent by the trustees of the railroad. *Annual Report of the City Departments of the City of Cincinnati for the Year Ending February 29, 1872*, 123.

<sup>19</sup> *American Annual Cyclopaedia and Register of Important Events*, 1871, 431.

<sup>20</sup> *Ibid.*, 431, 432.

<sup>21</sup> *American Annual Cyclopaedia and Register of Important Events*, 1871, 431.

<sup>22</sup> *Cincinnati Commercial*, Feb. 9, 1871.

But Cincinnati received the brunt of the attacks for introducing a bill which extended "the corporate limits of Cincinnati to Chattanooga through Kentucky and Tennessee."<sup>23</sup> Garrett Davis too well understood that this bill had not originated "with Congress or the executive Government of the United States, but with some fruitful or diseased imagination of Cincinnati."<sup>24</sup> The Louisville rivals professed to see Cincinnati in a hopeless condition and this her last desperate move. A writer to the *Cincinnati Commercial* says, "Poor Cincinnati! Attenuated Queen of the West! Dethroned, debased, neglected, she threatens shortly to commit suicide by taking the Southern Railroad Bill to Congress. Who would place any confidence in a dying town, which, after organizing an infamous bill, would strive to impose it upon a neighboring and friendly State by bribery and poisonous whisky, and failing in that would strive to prevail upon the Government of a free country to enslave a whole State for the benefit of that same dying town?"<sup>25</sup>

But there was also sympathy for Kentucky outside her own borders. Unexpected support came from the very heart of the enemy's territory. There was introduced in the Ohio Senate on the 15th of February a series of resolutions condemning the efforts being made to have Congress force a railroad on Kentucky as subversive of state sovereignty and "in direct defiance of the reserved rights of the states." It was resolved, "That any persistent effort to pass said bill deserves the rebuke of the people of this State, and of all good citizens of the United States who love the Union and hope for its prosperity."<sup>26</sup> This was not the case of a sporadic outbreak accompanied by no considerable opinion. The report of the Committee on Federal Relations for the indefinite postponement of the resolutions was adopted by a majority of only one vote.<sup>27</sup>

But the bill was receiving strong support in the National House of Representatives. James A. Garfield, then a member of that body, declared, "That great Northwest will have the right of way across the State of Kentucky. If it does not get it we appeal to the nation."<sup>28</sup> Under the suspension of the rules the bill was advanced with the Kentucky representatives contesting every step, and a vote was reached on February 28 (1871), resulting in its passage by a large majority.<sup>29</sup> On the same day the Kentucky Legislature passed a joint resolution protesting against this congressional meddling.<sup>30</sup> After the passage of the bill, James M. Beck asked if an amendment to the title were in order. He was told that it could not be changed. He replied, "It should be a bill 'to extend the corporate powers of Cincinnati over Kentucky and Tennessee.'" <sup>31</sup>

The bill which had been introduced in the Senate had a different fate. Both of these bills had shown by their wording evidences of a guilty conscience and a feeling of insecurity on the part of the framers. They were drawn up with the full knowledge that a bold stroke was being taken against the rights of a self-governing community. An attempt was, therefore, made to meet the expected hostility of Kentucky and to safeguard in every conceivable contingency the rights of the railroad. It was specifically provided that cases against the rail-

<sup>23</sup> *Congressional Globe*, Part 3, 41 Cong., 3 Sess., 1759.

<sup>24</sup> *Ibid.*, Appendix, 42 Cong., 1 Sess., 9.

<sup>25</sup> Feb. 12, 1871.

<sup>26</sup> *The Journal of the Senate of the State of Ohio for the Adjourned Session of the Fifty-Ninth General Assembly, Commencing on Tuesday, January 3, 1871* (Columbus, 1871), 196, 197; *Cincinnati Commercial*, Feb. 16, 1871.

<sup>27</sup> *Ibid.*, 336, 337, 627, 628.

<sup>28</sup> *Congressional Globe*, Part 3, 41 Cong., 3 Sess., 1759.

<sup>29</sup> *Ibid.*, 1761, 1784.

<sup>30</sup> *Cincinnati Commercial*, March 1, 1871.

<sup>31</sup> *Congressional Globe*, Part 3, 41 Cong., 3 Sess., 1761.

road could be removed to the Federal courts. Remedies were included against the forcible destruction of property or interference with the running of trains, or with the construction of the road. In order to leave no loop-hole in the interpretation of terms, words and phrases like "land" and "line of railway and its appendages" were minutely defined.<sup>32</sup>

Immediately upon the introduction of the bill in the Senate, it met with the most persistent opposition of Garrett Davis. He contested every move and exhausted every parliamentary method in holding it up. Without any apparent reason, he many times objected to taking the bill up for consideration. He attempted first to have it referred to the Judiciary Committee for a determination of its legal aspects. After a strong fight it was referred to the Committee on Commerce, as the ordinary course for bills concerning commerce.<sup>33</sup> The main purpose of Davis in opposing the bill at every possible opportunity was to delay it until the session should automatically end on the coming March 4. He asked Sherman not to attempt to force it through during this session, threatening to talk it to death if such a move were begun.<sup>34</sup>

A new session of Congress was called immediately on the expiration of the old, and on the 7th of March, Sherman introduced his railroad bill again. Davis was ready with his old tactics of obstruction. He fought again to have it referred to the Judiciary Committee but without success.<sup>35</sup> Two days later when Sherman called up the bill for its second reading, Davis objected, charging that an attempt was being made to rush it through without sufficient discussion. To this Sherman replied, "I do not intend to press the bill beyond the ordinary parliamentary rules."<sup>36</sup> Strangely enough he was accused by the *Cincinnati Enquirer* of letting the bill lag. This paper claimed that it would have passed in the previous session "if it had not, unfortunately, happened that Senator Sherman had no direct pecuniary interest in it. In these days, and with such Congresses, it takes grease to oil the wheels of legislation."<sup>37</sup> Sherman replied to this accusation: "I intend, in the interests of the City of Cincinnati and of the whole country, to press the Southern Railroad bill, and to secure its passage as soon as possible, but it is rather poor encouragement to reach such libels in a prominent paper in your city."<sup>38</sup> Davis made his principal speech against the bill on March 13. After explaining at length that the measure was unconstitutional, he launched upon an attack against Cincinnati. He said there were already five charters granted by Kentucky to build railroads across the state to run from Covington—as close to Cincinnati as Kentucky territory extended. He invited Cincinnati to subscribe to any one of these and her aid would be greatly appreciated. He continued: "If Congress thinks a railroad ought to be constructed from Cincinnati across her territory Kentucky would hail with joy the

<sup>32</sup> *Congressional Globe*, Part 3, 41 Cong., 3 Sess., 1760, 1761. This was the provision on taxation: "... and no tax or transit duty shall be imposed by virtue of any state authority upon the traffic of said company, its freight or passengers, and no property tax shall be levied on the property of said road at a higher rate *pro rata* than is levied by the laws of said State upon the property of all other roads constructed in said State under the laws thereof." Sec. 11 in *Ibid*.

<sup>33</sup> *Ibid*, Part I, 42 Cong., 1 Sess., 16, 23, 73, 74; *Ibid*, Part 2, 41 Cong., 3 Sess., 1459; *Ibid*, Part 3, 1813.

<sup>34</sup> *Ibid*, 1720; *Cincinnati Commercial*, March 1-4, 1871.

<sup>35</sup> *Ibid*, Part I, 42 Cong., 1 Sess., 16, 73, 74.

<sup>36</sup> *Congressional Globe*, Part I, 42 Cong., 1 Sess., 22, 73; *Ibid*, Part 3, 1863; *Cincinnati Commercial*, March 14, 1871.

<sup>37</sup> *John Sherman's Recollections of Forty Years in the House, Senate and Cabinet* (New York, 1895), Vol. I, 475.

<sup>38</sup> *Ibid*, 475, 476.

subscription by the Government of millions, to the stock of any of the numerous companies she has incorporated to make such a road \* \* \* Let the mastery over my gallant State be still held by the United States and its Congress, under the Constitution, and not be transferred to Ohio and her corporation."<sup>39</sup> The extra session ended on April 20th without action being taken by the Senate. The center of interest and agitation now shifted back to Kentucky.

In their haste to take the railroad bill to Congress, the supporters of the road had not forgone the occasion of giving vent to their fresh anger. A news dispatch says, "It is impossible to describe the indignation and hatred of the people of Central Kentucky over the action of the twin-monopolies that have headquarters at the falls of the Ohio."<sup>40</sup> The mayor of Cincinnati saw base ingratitude on the part of the Kentucky Legislature. In his annual message he said, "I venture to assert that a similar instance of good will toward the people and interests of another State cannot be found on the records of our country; and yet, that good-will has been twice rudely and insultingly repulsed by the law-making power of Kentucky!" He continued, "The people, not only of Kentucky, but of the whole South, through which our contemplated road is intended to pass, will rise up in judgment upon the 'dog-in-the-manger' policy of the Kentucky Legislature, and sweep away all opposition to this great and much needed artery of trade and commerce."<sup>41</sup> He had upon the first defeat of the bill urged Cincinnati to begin building the road in Tennessee where the right-of-way had already been obtained.<sup>42</sup>

But many people in Cincinnati were beginning to grow weary of successive defeats. Their former ardor had had ample time and occasion to cool off during this period of reverses. Many began to wonder if the railway was really worth the price. The editor of the *Cincinnati Commercial* said, "It is about time Cincinnati ceased to stand at the door of the Kentucky Legislature, or that of any other State, hat in hand, asking for the privileges of spending her millions in the construction of roads through their territory."<sup>43</sup> There had been strong opposition in the city from the very beginning against embarking on such a project. The plan was urged, again, of amending the Ohio Constitution to allow the city to aid a corporation, or to have a law passed permitting the city to give a bonus to any individual or corporation that would construct the road within a specified time.<sup>44</sup> The attempt to have Congress force the Cincinnati plan down the throat of Kentucky was depreciated. Ohio would surely resent such treatment, if attempted upon herself. The cost of such a road was looming up large. Many Cincinnatians, including competent engineers, believed the road would cost anywhere from \$15,000,000 to \$40,000,000.<sup>45</sup> But the *Cincinnati Semi-Weekly Gazette* declared "the people may rest assured that if the Southern Railroad is to cost over 12 millions of dollars, the trustees will never build it \* \* \*"<sup>46</sup> But the discordant element succeeded in winning the ear of the Board of Alderman and having it pass a resolution, "That the Legislature be, and is hereby requested to repeal

<sup>39</sup> *Congressional Globe*, Part 2, and Appendix, 42 Cong., 1 Sess., 5-10.

<sup>40</sup> *Cincinnati Commercial*, Feb. 8, 1871.

<sup>41</sup> *Annual Reports of the City Departments of the City of Cincinnati for the Year Ending February 28, 1871*, 17.

<sup>42</sup> *Annual Reports of the City Departments of the City of Cincinnati for the Year Ending February 28, 1870*, 8, 9.

<sup>43</sup> Feb. 9, 1871.

<sup>44</sup> *Cincinnati Semi-Weekly Gazette*, Jan. 16, 1872; *Cincinnati Commercial*, Feb. 15, 1871.

<sup>45</sup> *Ibid.*, Feb. 15; *Cincinnati Semi-Weekly Gazette*, Jan. 9, 1872.

<sup>46</sup> Jan. 9, 1872.



the said railway law at the earliest practicable moment."<sup>47</sup> This was a dark period for the road. Also, the opponents of the city plan appealed from the decision of the Cincinnati Superior Court, which had declared the railroad law constitutional, and the case was now sent up to the Ohio Supreme Court for a final decision.<sup>48</sup> Still, others fought the plan of the Cincinnati Southern Railroad by advocating a road previously suggested to run north of the Ohio to Rockport, Indiana, there to connect with the southern roads through Kentucky, as affording in a measure the advantages to be derived from the construction of the Cincinnati Southern road without its high costs.<sup>49</sup>

The staunch supports of the direct southern connection never lost hope despite the dissensions at home and reverses outside. They had one more card to play. In the autumn of 1871 a new governor and Legislature were to be elected in Kentucky. The Cincinnati mayor had said after the first defeat, "It is believed that a new legislature, chosen at an election in which this question will be prominently before the people, can be relied upon to grant the privilege of building the road."<sup>50</sup> The people of Central Kentucky believed likewise, and determined to make the granting of this road an issue in the coming campaign. This was very disconcerting to the Kentucky democracy, the machinery of that party being largely controlled by the men who opposed the railway. They feared the issue might cause dissensions within the ranks. But Central Kentucky was determined to make this election serve her purpose for getting the railroad. While she was reluctant to break with the democratic party, she had concluded to exact a price with this very club.<sup>51</sup> The *Woodford Weekly* said, "A few more such legislatures will be too much, even for that grand old party to stand—strong as it is in principle and justice. May it never be inflicted again with such an incubus as that legislature has been upon it."<sup>52</sup> The democratic convention met in Frankfort in early May. The regular candidate for governor was Preston H. Leslie, who had been an enemy at all times of Cincinnati's plan for a railway. He was early accused of being the candidate of Louisville and of the Louisville and Nashville Railroad. Central Kentucky wanted Judge Hawes, a friend of the road. Leslie was nominated; but the Central Kentuckians were placated by receiving the lieutenant-governorship in the person of John G. Carlisle.<sup>53</sup> The platform remained silent on the question of the Cincinnati Southern Railroad.

Cincinnati was not exactly pleased with the attitude the democratic convention had taken on this issue. So, she decided to work for the defeat of the democratic party in Central Kentucky. The Cincinnatians, thereupon, advised the Kentuckians to vote against the democratic nominees, if they wanted the railroad. The republican party, which had never made a respectable showing in Kentucky, immediately took heart. They believed that this situation gave them a chance to drive a wedge into their opponents. In their convention, which met in Frankfort on May 16, they gave conspicuous endorsement in their platform to the Cincinnati Southern Railroad bill.<sup>54</sup> In the campaign that followed, they tried to make full use of this issue on every occasion. But in the

<sup>47</sup> *Cincinnati Semi-Weekly Gazette*, Jan. 9, 1872.

<sup>48</sup> *Ibid.*, Oct. 27, 1871.

<sup>49</sup> *Annual Reports of City Department of the City of Cincinnati for the Year Ending February 28, 1871*, 18, 19.

<sup>50</sup> *Annual Reports of the City Departments of the City of Cincinnati for the Year Ending February 28, 1870*, 7.

<sup>51</sup> *Cincinnati Commercial*, Feb. 23, 1871.

<sup>52</sup> Quoted in *Cincinnati Semi-Weekly Gazette*, July 4, 1871.

<sup>53</sup> *Cincinnati Commercial*, Feb. 23, May 4, 5, 14, June 13, passim, 1871.

<sup>54</sup> *Cincinnati Commercial*, May 17, June 19, 1871; *Cincinnati Semi-Weekly Gazette*, May 9, July 18, Aug. 1, 1871.

election that followed, the democrats carried the state as usual and by their usual large majority. The Central Kentuckians had not yet come to the point where they could change their politics for the road, especially when it appeared they would likely win more quickly without it. They, of course, elected only those democrats who favored the road, so it would have been blind folly to have voted the republicans with the expectation of thereby gaining anything.

The Legislature met in early December, with James B. McCreary as Speaker of the House. The election of McCreary was a victory for the friends of the road, as he had come out fully in favor of the southern connection.<sup>55</sup> An entirely different fight was made this time. One of the complaints that had been made by the Kentucky friends of the road, was that Cincinnati was always too much in evidence at Frankfort. The *Lexington Press* believed that it was due to this lack of tact on the part of Cincinnatians that the bill had been defeated twice before. It threw out the hint that "Kentucky legislators are not, as a rule, to be either bought or bullied into measures."<sup>56</sup> The desire was now generally expressed by Kentuckians that Cincinnati keep out of the fight. They believed that by making it a "Kentucky fight," they would arouse less opposition and prejudice and would make final success more certain. The trustees were constrained to share these views and so agreed to leave everything to the Kentuckians.<sup>57</sup>

The bill was early introduced, and the fight began over again. The opponents of the road were as obstinate as ever. They resorted to every known tactic to delay and obstruct. The ayes and nays were demanded on almost every vote taken on any point relative to the bill.<sup>58</sup> Again, a large number of amendments introduced with different motives were offered, many of them being finally adopted. The friends of the bill introduced some of them to win support from those who were in favor of the road, if Kentucky interests were sufficiently safeguarded. The opponents introduced others to nullify the bill or make it so objectionable that its friends would reject it. A test vote was reached in the House on January 13, 1872, resulting in the passage of the bill by a decisive vote—59 to 38.<sup>59</sup> A hard fight now lay in the Senate. This body had not been completely subjected to popular opinion in the last election, as only one-half of its membership was chosen at any one election. As it was known that the vote would be very close in that body, the stage was set for a bitter fight. On the 27th of January the Senate announced itself ready for a vote. Strong pressure had been brought to bear upon certain senators, among whom was Senator Gilbert. Long a bitter opponent of the bill, he now reversed his position far enough to promise not to vote at all, if the Senate would excuse him; but if it refused, then, he would vote for the bill. This was a clever way to at least escape voting on the losing side, and if his vote were cast at all to be on the winning side. So in the vote that followed, he asked to be excused when his name was reached. His case was passed for the time being and the vote was continued resulting in a

<sup>55</sup> *Ibid.*, Dec. 8.

<sup>56</sup> *Cincinnati Semi-Weekly Gazette*, Oct. 20, 1871; *Cincinnati Commercial*, Sept. 29, 1870.

<sup>57</sup> Ferguson, *Founding of the Cincinnati Southern Railway*, 37.

<sup>58</sup> *Journal of the Regular Session of the Senate of the Commonwealth of Kentucky* (Dec. 4, 1871-March 29, 1872), passim. *Journal of the Regular Session of the House of Representatives of the Commonwealth of Kentucky* (Dec. 4, 1871-March 29, 1872), passim.

<sup>59</sup> *Journal of the Regular Session of the House of Representatives of the Commonwealth of Kentucky* (Dec. 4, 1871-March 29, 1872), passim, 239; *Cincinnati Semi-Weekly Gazette*, Jan. 16, 1872. Most of the objectionable amendments were added in the Senate after the bill had passed the House. Collins, *History of Kentucky*, Vol. I, 224.

defeat for the bill, 19 to 18. If this vote stood, the bill was, of course, lost. The question now came up of excusing Gilbert. Nothing would now please the opponents better than to do this. They were on the verge of so doing when the question was raised as to whether a two-thirds majority were not necessary. The rules were silent on this point; and so in order to avoid further complications, Gilbert suddenly announced his vote in favor of the bill. This made the vote a tie—19 to 19. But victory was now assured, for John G. Carlisle, who had been given the nomination of lieutenant-governor to appease Central Kentucky, was president of the Senate. He, of course, cast the deciding vote for the bill, which was thus passed 20 to 19.<sup>60</sup>

In the meantime the congressional club had not been laid aside indefinitely. The Cincinnati Southern bill was called up in the United States Senate on January 15 (1872), as a threat against the Kentucky Senate.<sup>61</sup> But now with the road victorious in Kentucky, the whole subject was dropped with the statement and veiled threat of Sherman that "as the State of Kentucky has since passed a law on that subject, I suppose this bill had better be laid aside for the present \* \* \*"<sup>62</sup>

The wildest enthusiasm greeted this victory in Central Kentucky; a corresponding dejection reigned in Louisville. A news dispatch says, "A worse defeat on the one side, and a greater victory on the other, never occurred in the Kentucky Legislature. The enthusiasm of the people in Central Kentucky would hardly have been greater if the passage of the bill had been for the immediate pecuniary benefit of each and every individual."<sup>63</sup> A dispatch from Lexington said, "There is great rejoicing in this city over the passage of the Southern Railroad bill in the senate today, and cannon have been thundering away in the Court House yard for two hours."<sup>64</sup> A special dispatch from Danville said, "There is great rejoicing here over the passage of the railroad bill. The town is illuminated, cannon firing, and everybody happy."<sup>65</sup> Cincinnati received the news in quite a different vein. To those who looked deeper the victory seemed to be barren. The editor of the *Cincinnati Semi-Weekly Gazette* said, "The Cincinnati Southern Railroad bill, as it has passed the Senate of Kentucky, contains illegal provisions discreditable to the character of the State, which the General Assembly, for the sake of the good name of the Commonwealth, should make haste to amend."<sup>66</sup>

The opponents of the road had, in truth, succeeded in almost nullifying the effect of the bill as originally introduced. There was placed in the preamble the requirement that Cincinnati should report the lines surveyed to its citizens and let them choose the route to be followed. This was designed to create confusion as the route had already been selected. Kentucky had been actuated in part by a genuine fear that a foreign corporation might be seeking to enter the state in the shape of the Cincinnati Southern Railroad, striving to obtain rights which would almost destroy the power of the state over it. The Legislature intended to leave no loop hole for such a corporation in any of the provisions of this bill. There had long been a general law in Kentucky, providing that all charters granted by the Legislature should be subject to change or repeal. This idea was sufficiently expressed in the

<sup>60</sup> *Cincinnati Semi-Weekly Gazette*, Jan. 30, 1872; *Journal of the Regular Session of the Senate of the Commonwealth of Kentucky* (Dec. 4, 1871-March 29, 1872), 822-824, passim.

<sup>61</sup> *Congressional Globe*, Part I, 42 Cong., 2 Sess. (1871-1872), 380.

<sup>62</sup> *Ibid.*, Part 3, 42 Cong., 2 Sess., 1950.

<sup>63</sup> *Cincinnati Semi-Weekly Gazette*, Feb. 2, 1872.

<sup>64</sup> *Cincinnati Semi-Weekly Gazette*, Jan. 30, 1872.

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

Cincinnati Southern Railroad bill. It began in the preamble with the clause reserving "the right to change, alter, or modify this act" and ended by asserting "the right to alter, amend, or repeal this act."<sup>67</sup> One of the conditions upon which the trustees were to construct the road was that "they thereby waive the right to remove any case from any of the courts of this State, to any of the courts of the United States or to bring a suit in any of the courts of the United States against any citizen of this State; and a violation of this condition shall operate as a forfeiture of the rights, privileges, and immunities granted in this act."<sup>68</sup> In order to make assurance doubly sure and to provide this same prohibition against all foreign corporations operating in Kentucky, the same Legislature after passing this railroad bill, enacted a general law against foreign corporation removing suits from Kentucky courts to Federal courts. The penalty for disobedience was a forfeiture of the charter, a fine of not less than \$50 a day as long as the law was not obeyed, and not less than one week's imprisonment—either or both of the latter two penalties to be imposed at the discretion of the petit jury.<sup>69</sup>

But this bill had been principally opposed because Louisville wished to keep Cincinnati out of the southern trade. In order to offset any advantage Cincinnati might have in the Southern markets because of this more direct connection, a provision was inserted which forced the railway to pay to the State of Kentucky 1 cent on every hundred pounds of freight going through the state, 50 cents for every through passenger, and 25 cents for every passenger of 100 miles or more.<sup>70</sup> The state furthermore asserted control over through freight by prohibiting "unjust discriminations in favor of through freights or passengers against any way freight or passengers, or against freights or passengers from other railroads connecting with said railway in this State \* \* \*"<sup>71</sup> Of this tax, the *Cincinnati Semi-Weekly Gazette* said, "The provision levying a special and invidious tax upon the through passengers and freight of this road, assumes that Kentucky is a foreign State, and not only this, but that she is an organization of Bedouin Arabs to levy tribute upon trade passing through their miserable country."<sup>72</sup> Of Kentucky's zeal in safeguarding her interests in this bill the *Cincinnati Daily Gazette* said, "For our part, we are utterly opposed to forcing upon the people of Kentucky an expenditure of ten millions of Cincinnati money to build a railroad in that state under conditions that treat it as a hostile project."<sup>73</sup> As the bill passed the Kentucky Legislature Cincinnati was virtually shorn of all the advantages she had hoped to secure in building the railroad. Her through connection with the South was almost nullified by the high tax on long distance freight and the prohibition against charging a higher rate for short hauls than for long hauls. But in subsequent legislatures the worst rigors of the original law were removed.<sup>74</sup>

An account of the construction of the Cincinnati Southern is an-

<sup>67</sup> *Acts of the General Assembly of the Commonwealth of Kentucky. Passed at the Regular Session of the General Assembly, which was Begun and Held in the City of Frankfort on Monday, the Fourth Day of December, 1871, 23-32.*

<sup>68</sup> Section 15, in *Ibid.*

<sup>69</sup> *Ibid.*, 39-41.

<sup>70</sup> Section 14.

<sup>71</sup> Section 16.

<sup>72</sup> Jan. 30, 1872.

<sup>73</sup> Quoted in Boyden, *Beginnings of the Cincinnati Southern Railway—A Sketch of the Years, 1869-1878*, 23.

<sup>74</sup> The passenger tax, together with the provision requiring the citizens of Cincinnati to vote on the route, was repealed on March 25, 1872. *Acts of Kentucky . . . of the General Assembly . . . Begun and Held . . . the Fourth Day of December, 1871.* 60, 61. The freight tax was repealed on February 4, 1873. *Ibid.*, 5.

other story. Only a few general facts as to the results of this new highway to the South need be given here. It was begun in 1873 and was opened for traffic to Chattanooga on March 8, 1880.<sup>75</sup> It cost almost three times as much as Cincinnati had contemplated (\$28,000,000 had been spent up to July 1, 1881). Had the real cost been known and published in the beginning, the road would never have been built—at least not by the City of Cincinnati. The municipality immediately upon the road's completion leased it for an annual rental. It has never been a marked financial success; but it has fulfilled many of the commercial expectations that Cincinnati had held in such a highway. The freight receipts for the first year of operation were \$1,062,410.61, with the local traffic paying more than twice as much as the through trade. More freight was offered in Cincinnati than could be hauled. The completion of this connection greatly reduced freight rates to the South. Some of the reductions were as follows: To and from South Atlantic ports, 9.4 per cent; Chattanooga, 20 per cent; Georgia, 14 per cent; South Carolina and North Carolina, 13 per cent; and regions west of the Louisville and Nashville Railroad, 5.7 per cent.

Thus many of Louisville's worst fears were realized. She lost virtually all the trade of Central Kentucky. The local trade of the Blue Grass region went to Cincinnati, and the trade of all Central Kentucky with the South, which had formerly gone through Louisville, now went directly over the Cincinnati Southern Railway. Louisville thus found her position being gradually undermined on the east by this latest connection of Cincinnati's and on the west by the activities of St. Louis. She now became more lavish than ever in her hospitality to Southern merchants and business men, and she began to ponder over new railway projects.<sup>76</sup> But a discussion of these activities and of the commercial movement and tendencies that followed belongs to another story.

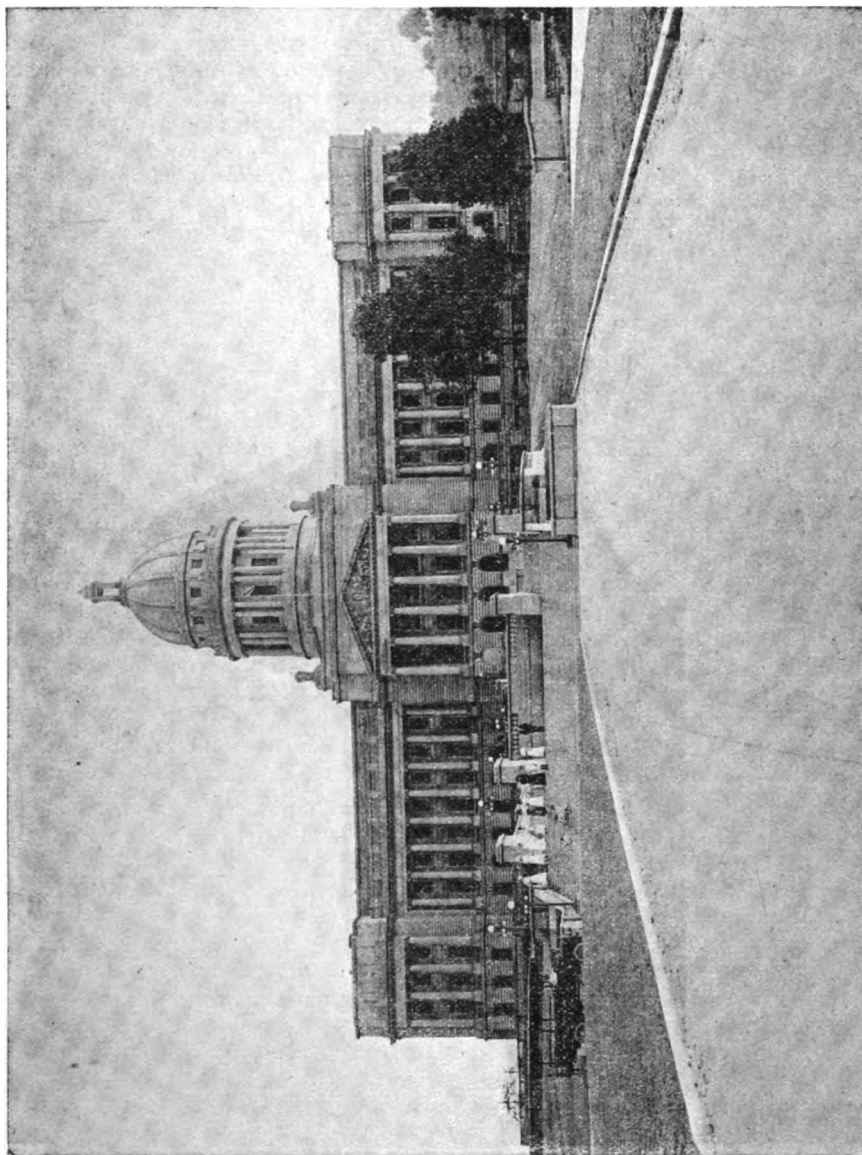
Before the Civil war the peculiar aspect of commerce in the Mississippi Valley had been the exit through the South of the export trade and a mutual exchange of products between the northern and southern parts in the intra-valley trade. But certain movements had by the beginning of the conflict transferred almost completely the outlet of the great interior commerce from New Orleans and other Southern ports to the East. The dreams of Calhoun to drain the commerce of every description to the southward had gone glimmering in the construction of the trunk lines that lead to New York City and to other Eastern ports. The Civil war made the revolution more certain and permanent. But even after the war, the South made an abortive effort to use the Mississippi River again as an outlet for the whole valley. The course of the intra-Valley trade was not affected by the war, except in its methods and in its means of transportation. The North still used southern products, and the South continued to use northern products. The mutual dependency of these regions could not be destroyed. The extremities to which traders went during the war to get southern products, shows that economic laws and natural commercial movements could be ill restrained by military rules and treasury regulations. The changes, then, that came in this

<sup>75</sup> For a general account of this railroad and its commerce up to July 1, 1881, see Joseph Nimmo, Jr., *Report on the Internal Commerce of the United States*. (Submitted July 1, 1881), H. R. Ex. Doc. 7, Part 2, 46 Cong., 3 Sess. A popular account of the Cincinnati Southern brought down to 1902 is contained in *The Cincinnati Southern Railway—A History*, edited by Chas. G. Hall.

<sup>76</sup> She spent \$7379.93 in entertaining a group of Southern Excursionists in 1872. The items in the total cost were as follows: Distributing invitations, \$100; one-half expense for a lunch, \$437.50; wine, \$204; transportation in city, \$315.50; banquet at Galt House, \$3659.50; music, \$75; wine and lunch, \$440; cigars, \$121.88; badges, \$585.30; lunch, \$1442.25. This money was sent by the municipality. *Louisville Municipal Reports for the Fiscal Year Ending December 31st, 1872*, 236, 237.

intra-valley commerce after the war were not changes in directions but merely changes in means and methods. This decade saw a complete break in the old order that had obtained before the war. The antebellum economic system of the South had vanished. Readjustments had come. A striking expression of this revolution appeared in the shifting of transportation from the rivers to the railways. It was in this respect that the position of Kentucky and Louisville became extremely important for the Ohio Valley region.

Kentucky's situation was most favorable for either river or railway traffic. The Kentuckian may be pardoned for over-enthusiasm when he exclaimed, "And right here, in the very center of the Mississippi Valley, lying like a crouching lion, stretched east and west, is Kentucky, the thoroughfare of the continent." And of all the points in the state, the position of Louisville was most strategic. Built at the falls in the Ohio River, she controlled the break in the traffic there and profited from the difficulties of others. The *Courier-Journal*, appreciating the natural advantages of Louisville, especially in comparison with Cincinnati, said: "The difference between Cincinnati and Louisville is just the difference between the being of nature and the creation of artifice. God Almighty has given all the advantages of location to Louisville, and man almighty is striving, by artifice, to avert the decrees of providence." But Louisville's favorable position was not wholly due to nature. By the completion of the Louisville and Nashville Railroad in 1859 she had built better than she knew; with the decline in value of river transportation, the railroad became all important. But the only railway in the Ohio Valley to the South was the one which Louisville largely built and now controlled. She had also centered the railway system of the whole state in herself. She was now prepared to hold the field against all competitors. With many ingenious methods she blocked her great rival until the latter was forced to resort to most remarkable means. The fight for a direct independent connection with the South began; the Cincinnati Southern Railway finally resulted. The struggle between the two cities for the Southern prize was unique in the annals of America. The ingenuity resorted to by the rivals would be hard to parallel; but the result was the break-up of one of the most complete monopolies due to position ever enjoyed by an American city.



KENTUCKY STATE CAPITOL

## CHAPTER LXVI

### RECENT STATE HISTORY

The history of Kentucky since the issues growing out of the Civil war ceased to play a predominant part has tended to merge more and more into that of the nation as a whole, so that in order to understand the state of today a knowledge of the nation itself is necessary. Here the broader lines of national development must be left to the general history, and only those affairs of a more restricted nature and of particular interest and importance to the state alone can be dealt with. Although Kentucky had never been a part of the Southern Confederacy and although it was never forced through the mill of reconstruction, still its problems were much the same as the other Southern states and its recovery from the effects of the war was to be as long deferred.

The blighting panic of 1873 came at the very outset of the state's attempt to pull itself up to a higher plane of economic development, and, although the effects of hard times were slight, indeed, on the banks of the state, due to their proverbial strength and soundness, still the ordinary individual was visited by hard and trying times.<sup>1</sup> Cheap money, the delight of the debtor, could best be had by coining and printing more money, and so the debtor character of the state asserted itself in demanding more greenbacks and the free coining of silver, which had been discontinued in 1873. In 1878 the Legislature demanded the repeal of the Federal law making greenbacks redeemable after January 1, 1879, in specie, and called upon Congress to make "silver the equal of gold, as far as paying private and public dues."<sup>2</sup> Grangerism, the rising of the Middle Western farmers, soon entered Kentucky. Hard times were too constantly with the tillers of the soil; they would know the reason and provide the remedy. The Grange, an organization first started for social and benevolent purposes, was at hand; they would use it for political purposes as well. The hard lot of the ordinary citizen, so forcefully emphasized by the panic of 1873, refused to be routed. The prices of farm products were low and continued downward. In 1874 a Kentuckian said: "For the last three years the decline in the products of our farmers has been such as to dishearten and disappoint the very bone and sinew of our country; lands—Blue Grass lands—the best on God's green earth, have, owing to the stringent contraction, declined in value by at least a third."<sup>3</sup> The Grangers were soon giving the dominant democratic party much worry. W. B. Machen wrote John W. Stevenson in 1874 that he was anxious to have the party platform written with the problem of the Grangers in view. He said: "I shall not be easy about that until it is spread out, as I know there is not perfect accord in the party and Grangerism is diffusing its peculiar notions into all associations of the commonwealth."<sup>4</sup>

<sup>1</sup> See Duke, *History of the Bank of Kentucky*, 121, 122.

<sup>2</sup> *Acts of Kentucky*, 1877, I, 165, 166.

<sup>3</sup> *Stevenson MSS.*, Vol. 31, No. 31,943. This is the MS. correspondence to and from John W. Stevenson and other members of the Stevenson family. It is in the Library of Congress at Washington.

<sup>4</sup> *Stevenson MSS.*, Vol. 31, Nos. 32,062, 32,063. Letter dated December 10, 1874.



The other periodic panics and depressions visited the state and had in general similar effects, but in every instance the Kentucky banks maintained their extraordinary record of strength and ability to weather storms. In the panic of 1893 only seven failed from January to September, and for October banks outside of Louisville showed a  $26\frac{1}{2}$  per cent reserve, while the legal requirement was only 15 per cent.<sup>5</sup> The distillery business was hit particularly hard a few years later, when all of the 300 establishments except six closed down. The main causes were attributed to the depressed market and to the increase of the revenue tax from 90 cents the gallon to \$1.10.<sup>6</sup>

The financial strength of the state, so vividly shown in the standing of the banks, extended with equal force to the state government itself. In 1873 the commissioners of the Sinking Fund (money set apart to meet the state's bonded indebtedness) were directed "to invest so much of the means at their command, and under their control, in five-twenty gold-bearing interest bonds of the United States, as may be amply and fully sufficient to redeem the whole amount of the redeemable bonded indebtedness of the state, with the interest thereon, not exceeding \$1,000,000 in amount and not less than \$350,000."<sup>7</sup> The next year the finances of the state were reported to be in an excellent condition, despite the fact that the people generally were suffering under a panic. The commissioners of the Sinking Fund had already bought \$246,000 of United States bonds, with the redeemable bonded indebtedness of the state amounting to only \$184,394. At the end of the fiscal year 1874 the state had a surplus of \$361,604.25.<sup>8</sup> With such a record for financial soundness and strength, it was only natural that the bonds of the state should sell at a premium. In 1885 a 5 per cent issue sold at  $2\frac{1}{2}$  above par, and in 1897 an issue of \$500,000 sold at a premium of 7.45 per cent.<sup>9</sup> Despite the fine showing of the state finances generally, still at certain times it was not particularly bright, and the state was indeed fortunate to make the excellent record it did, when the system of taxation is taken into consideration. In 1883 the state suddenly awoke to the fact that it had a deficit of almost \$500,000. In looking about for more revenues, the system of property assessment and taxation was investigated. It was found that the assessment of all the property in the state amounted to only \$374,500,000. In this connection Governor Knott said: "Our real property alone is worth that sum."<sup>10</sup> The remedy was easy to find. The following year a law was passed to equalize assessments through a Board of Equalization. The law worked with excellent results. In less than a half dozen years the state had a surplus; property valuations had been increased to \$483,497,690; and much personal property was listed which had heretofore escaped altogether.<sup>11</sup> The amount of the tax rate was, of course, of equal importance in producing revenues. In 1878 it was 40 cents on the \$100 of property, allocated as follows: 15 cents for governmental expenses and 25 cents for educational purposes. Subsequently the rate was frequently changed, as well as the proportions for the different purposes. In 1881 it was increased to 45 cents; in 1885 it was  $52\frac{1}{2}$  cents; in 1886,  $47\frac{1}{2}$  cents; and in 1890 it was reduced to  $42\frac{1}{2}$  cents.<sup>12</sup>

With the tremendous increase in governmental expenses for the various purposes growing up since the Civil war, in both the states as

<sup>5</sup> *American Annual Cyclopaedia*, 1893, p. 423.

<sup>6</sup> *Ibid.*, 1896, p. 375.

<sup>7</sup> *Ibid.*, 1873, p. 401.

<sup>8</sup> *American Annual Cyclopaedia*, 1875, p. 415.

<sup>9</sup> *Ibid.*, 1885, p. 515; 1897, p. 436.

<sup>10</sup> *Ibid.*, 1883, p. 462.

<sup>11</sup> *American Annual Cyclopaedia*, 1884, p. 423; 1887, p. 410.

<sup>12</sup> *Ibid.*, 1878, p. 472; 1881, p. 470; 1885, p. 515; etc.

well as the nation, Kentucky has been in more recent times hard pressed for the funds necessary for education, good roads and other lines of development. Much thought and discussion has been given to a revision of the whole scheme of taxation. In 1917 there was a general property tax of 55 cents on the \$100 of property, besides an inheritance tax and numerous business and license taxes.<sup>13</sup> The present receipts and expenditures would have made an ante-bellum statesman stagger with amazement. In 1917 Kentucky received \$14,399,943 and expended \$14,289,171.<sup>14</sup> The state has been prevented from running into burdensome debts on account of both constitutional provisions and the characteristic conservatism of the people. The county organizations have showed commendable foresight and restraint in contracting debts.<sup>15</sup>

The impetus that Zach. F. Smith gave to the common schools after the Civil war was continued by others, but the system was far from what it ought to have been or what the people deserved. In 1869 there were 4,447 schools taught, with 169,477 children in attendance out of a total of 376,868 of school age. By 1877 the number of schools had increased to 5,800, with 208,000 children out of a total of 470,323 of school age enrolled. The long continued lack of proper common school facilities was now showing itself in the illiteracy of the people. In 1883 more than 250,000 people could not read, or over 15 per cent. This condition set many to thinking, and one result was a meeting in April of the same year in Frankfort. More money and more facilities and better teachers were demanded.<sup>16</sup> The following year the Legislature sought to help the situation by increasing the length of the school term, in such a way as to encourage larger attendance. Schools having 35 pupils or less should continue for three months; those having from 35 to 45 pupils, for four months; and those having over 45 should run for five months. Night schools were provided for under certain arrangements in cities of the largest class, and to these, adults over the school age but under forty were allowed to go.<sup>17</sup> This was designed to decrease adult illiteracy, but there was nothing so far to forcibly tap the root of the trouble. In 1896 such an attempt was made, when a compulsory education law was enacted which declared that every child of school age should attend school at least twelve weeks a year or be disqualified from working in certain occupations.<sup>18</sup>

During this period there was a steady increase in the funds available for the common schools. The educational fund was supplemented by direct appropriations, and efforts were made to secure a portion of the funds set apart in 1867 by George Peabody for education in the South. In 1884 the Legislature invited J. L. M. Curry, an agent for the fund, to address that body.<sup>19</sup> The constitution of 1891 set apart for the common schools any money refunded by the United States Government on account of the direct taxes levied during the Civil war. This amount, when received, totaled over \$600,000.<sup>20</sup> The per capita appropriation for each pupil was steadily increased. It amounted to \$1.55 in 1884; in

<sup>13</sup> A scientific discussion of the state's revenue system may be found in Anna Youngman's "The Revenue System of Kentucky: A Study in State Finance," in *Quarterly Journal of Economics*, Vol. 32 (1917), pp. 142-202.

<sup>14</sup> *New International Year Book* (New York, Dodd, Mead and Company), edited by Frank M. Colby, 1918, p. 350.

<sup>15</sup> In 1890 the debts of all the counties totalled \$5,741,636, which represented a decrease of \$582,766 during the preceding decade. Nearly one-third of the counties were free from debt in 1890. *American Annual Cyclopaedia*, 1890, p. 474.

<sup>16</sup> *Ibid.*, 1883, p. 463.

<sup>17</sup> *American Annual Cyclopaedia*, 1886, p. 466.

<sup>18</sup> *Ibid.*, 1896, p. 377.

<sup>19</sup> *Acts of Kentucky*, 1883, I, 198.

<sup>20</sup> Constitution, 1891, sec. 188; Lewis, *History of Higher Education in Kentucky*, 339; *American Annual Cyclopaedia*, 1892.

1855, \$1.65; in 1887, \$1.90; in 1889, \$2.05; in 1890, \$2.15; and in 1899, \$2.70. In this last year the amount appropriated was almost \$2,000,000.<sup>21</sup>

Before the negroes were given full civil rights, it was seen that, since they were a part of the permanent population of the state, they should be given the advantages of an education. By 1874 a separate school fund and school system had been set up for them. This fund was made up principally of taxes collected from the negroes, including a tax of \$1 on each male over twenty-one years of age. This fund was to profit on a pro rata basis from any donations or grants from the United States Government. The state was districted, with no division to have more than 120 children between the ages of six and sixteen. Three colored trustees managed each district, hiring the teachers and providing for the general facilities. The law specifically provided that no negroes might attend schools for white people and vice versa. Schools for the whites and for the negroes had to be at least one mile apart in the country and 600 feet in towns or cities.<sup>22</sup> In 1877 there were 532 schools being taught for negroes.

But it was soon evident that little headway could be made in educating the negroes from merely the taxes they could pay. Although it seemed unfair to many to use taxes paid by white people for negro education, the more progressive saw the general good to be gained by raising the level of the colored population. The governor said in his message of 1878: "There are, without doubt, material benefits to be derived from the education of all human beings; and it is to be hoped that the colored people will show their appreciation of the system presented to them by cultivating a healthy sentiment in favor of education and by sending their children to school so as to prepare them to exercise the privileges of voting intelligently, and enjoy to the fullest extent all the sacred rights of freedmen."<sup>23</sup> The negroes owned \$3,541,369 of property in 1878 and paid \$14,878.51 in taxes, while the white people held property valued at \$354,019,676 and paid \$1,416,078.70 in taxes. In order to supply better negro teachers the state set up a negro normal school in Frankfort in 1886 and appropriated \$3,000 annually for expenses.<sup>24</sup> The negroes themselves awoke to their needs and their lack of facilities, and in different meetings and conventions asked for equal school opportunities with the whites.<sup>25</sup> The law on the division of the school fund was soon changed so as to include negro children on an equality with white children in a per capita division of the money. In 1888 the negroes received for school purposes almost \$166,000, although they paid in taxes little more than \$12,500. In 1890 they were given almost \$240,000 for school purposes. The principle of equality in the division of the school fund was incorporated in the constitution of 1891 in the following clause: "In distributing the school fund no distinction shall be made on account of race and color, and separate schools for white and colored children shall be maintained." The negroes of today are well abreast of their opportunities in the schools of the state. In 1916 there were 33,789 colored children enrolled in the elementary schools.

With the coming of the twentieth century an educational awakening took place remarkable in its strength. In 1908 J. G. Crabbe fired this new interest, and, in the words of one commenter, awakened "a popular demand for advanced educational legislation, the greatest change in public sentiment in two years that has ever been known in any state

<sup>21</sup> *Ibid.*, 1885, p. 516; 1887, p. 410; 1889, p. 486; 1899, pp. 407, 408.

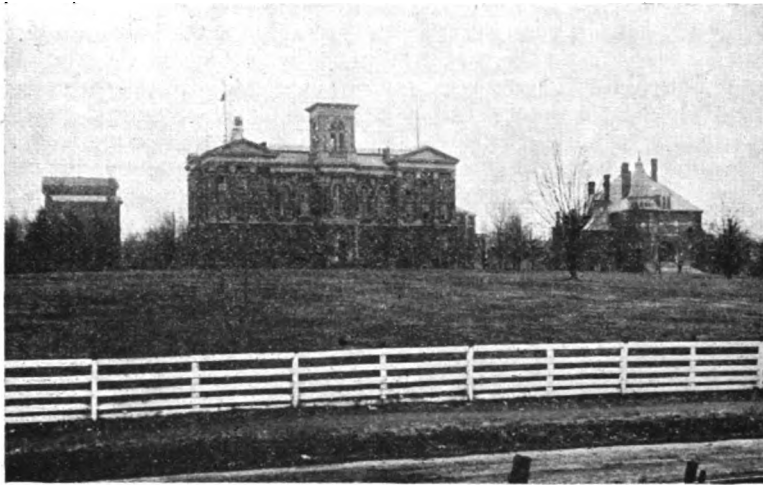
<sup>22</sup> *Ibid.*, 1874, pp. 400, 401.

<sup>23</sup> *American Annual Cyclopaedia*, 1877, p. 419.

<sup>24</sup> *Ibid.*, 1886, p. 466.

<sup>25</sup> *Ibid.*, 1875, p. 417, for example.

in the Union.”<sup>26</sup> In 1909 the amount spent for education was more than \$5,000,000, and high schools were voted for each county, with the county as the unit for school purposes, rather than the district.<sup>27</sup> In 1912 further legislation was passed on the compulsory attendance of children.<sup>28</sup> About this time there began a most remarkable educational movement, known today throughout the nation as the “Moonlight Schools.” It began in 1911, with Mrs. Cora Wilson Steward the superintendent of schools for Rowan County. Conducting her school work in a county where 25 per cent of the inhabitants were wholly illiterate, she saw the pity and the tragedy of an excellent people denied the most rudimentary advantages of an education. She decided that the adults could be reached in night schools most easily, and so, with the cooperation of the teachers throughout the county, she began her campaign for enlightenment on September 5th, with 1,200 pupils ranging in ages from eighteen to eighty-six. By the end of 1913 Rowan County had been all but swept clean of illiteracy; only twenty-three illiterates could



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be found throughout the county, and only four of these were stubborn cases, the others being invalids, imbeciles, or otherwise incapacitated. The idea now quickly grew and spread. Governor McCreary called for a State Illiteracy Commission, which was granted unanimously by the Legislature, and the campaign was now on to drive illiteracy out of the whole state by 1920. Various organizations, such as the Kentucky Education Association, Kentucky Press Association, Kentucky Federation of Woman's Clubs, Kentucky Society of Colonial Dames, lent every effort to further the movement. On September 27, 1914, the governor issued a proclamation on education declared by United States Commissioner Claxton to be “one of the most important issued by the governor of any state since the beginning of our national life.” Two thousand teachers volunteered their services to work in sixty counties, and soon 100,000 illiterates from fifteen to ninety-five were being taught to read and write. The women of the state raised over \$10,000 to carry the work forward. In 1915 a campaign of popularization of the movement was entered into,

<sup>26</sup> “Education in Kentucky” in *Journal of Education*, Vol. 82 (October, 1915), p. 348.

<sup>27</sup> *New International Year Book*, 1909, p. 405.

<sup>28</sup> *Ibid.*, 1912, p. 355.

with 120 speakers enlisted. Posters, badges and other devices were used and various catch phrases invented, such as "Everybody Reads and Writes in Kentucky by 1920," "No Illiteracy in Kentucky after 1920," and "We Want a Pen in Every Hand in Kentucky."<sup>29</sup>

Higher education also has not been forgotten. Besides the activities of a number of private colleges, the University of Kentucky has been built up since the Civil war to carry forward instruction and investigation in the higher branches of learning. It grew out of donations of public lands made to the states in 1862 by Congress, was first attached to the old Kentucky University under the zealous and able leadership of John B. Bowman, was set up as a separate institution in 1878 on a special tract of land donated by the City of Lexington and, after various titles, was in 1916 designated the University of Kentucky. Today, under the able direction of Pres. Frank L. McVey, it is one of the leading universities of the South.<sup>30</sup> In 1906 two normal schools were established, one at Richmond and the other at Bowling Green.

During the period since the Civil war, various social reforms were agitated and enacted into law. The temperance movement, almost as old as the state itself, soon sprang into life again after hostilities ceased, and, with a driving power that would not be denied victory, produced the first general local option legislation in 1874. In response to this insistent demand for liquor reforms, spectacularly evidenced in a memorial submitted by the governor from the Blue Grass Temperance Convention and the Grand Lodge of Good Templars, containing the names of 147,000 citizens, the Legislature passed a law allowing local option in any civil division of the state, upon a petition of twenty voters to the judge of the County Court.<sup>31</sup> With this legal weapon the temperance forces now began a campaign to clear the state little by little of the saloons. In 1893 Bowling Green, amidst an all-day prayer meeting and the ringing of church bells, went dry by twenty-eight votes, while in Breathitt County the dry forces won only after a bitter fight, in which a newspaper, the *Hustler*, was blown up.<sup>32</sup> The campaign was continued throughout the state until almost every county was voted dry, when the question of prohibition became prominently before the nation. In 1916 the submission of the proposition of statewide prohibition to the voters was defeated by a small margin after a bitter fight, but two years later Kentucky added her ratification of the Eighteenth Amendment to the Federal Constitution, and with its promulgation the policy of prohibition was settled.<sup>33</sup>

Full suffrage for women was long considered ludicrous in Kentucky, although it stood as a pioneer in partial suffrage when in 1838 it gave widowed mothers in country districts a vote for school trustees. In 1914 the Legislature refused to submit to the people an amendment to the state constitution granting full suffrage to women, and later it refused either to ratify the Nineteenth Amendment to the Federal Constitution or to submit it to a vote of the people. However, it finally adopted it on January 6, 1920, being the twenty-fourth state to so ratify. Other reforms were more successful. In 1890 an anti-cigarette law was passed prohibiting the sale or gift of cigarettes to persons under eighteen years of age; and today, despite the tremendous economic value of the tobacco business to the state, a movement to outlaw tobacco is raising its head.<sup>34</sup> The

<sup>29</sup> See Wm. F. De Moss, "Wiping Out Illiteracy in Kentucky" in *Illustrated World*, Vol. 24 (1916), pp. 828-832.

<sup>30</sup> *Catalogue of the University of Kentucky, 1920-1921*, pp. 43, 44; Collins, *History of Kentucky*, II, 185, 186; *New International Year Book*, 1918, p. 351.

<sup>31</sup> *American Annual Cyclopaedia*, 1874, p. 440.

<sup>32</sup> *Ibid.*, 1898, p. 424.

<sup>33</sup> *New International Year Book*, 1916, p. 364; 1918, p. 350.

<sup>34</sup> *American Annual Cyclopaedia*, 1890, p. 474 for anti-cigarette law.

worst evils of child labor have been dealt with. In 1908 restrictions were placed upon children under fourteen laboring during school terms, except on farms and in domestic work; and children from fourteen to sixteen were forbidden work in occupations injurious to their health or morals. Restrictions have been further extended, as in 1910.<sup>35</sup> The reforming spirit and the desire to protect the people from all harmful influences has in recent days been carried forward by a powerful element into fields not generally entered by the law-maker, which has stirred up a strenuous fight within the state and has produced widespread interest throughout the nation. Many people believing that the teachings of the Darwinian theory of evolution are irreligious and dangerous to the youth of the state have succeeded in having the Legislature, after an address delivered before it by William J. Bryan, to introduce a bill to prohibit "the teachings of Darwinism, atheism, agnosticism and evolution as pertaining to the origin of man." The bill was first defeated in the Senate by a bare majority, and was finally disposed of in the House on March 9, 1922, by a vote of 42 to 41, with the representative from Breathitt County casting the deciding vote.<sup>36</sup>

There has been much other legislation of a social or reforming character, designed for the general welfare. As early as 1874 vital statistics, records of birth, marriages and deaths were required by law to be kept, and in 1878 a Board of Health consisting of six members was created, with the duty of keeping these statistics and of looking after health conditions generally.<sup>37</sup> A few years later all cities, towns and incorporated villages were required to establish local boards of health; and progress along health lines was brought down to date by the enactment of an elaborate health law in 1918. About the same time more stringent rules were provided for in connection with the licensing of pharmacists and doctors of medicine.<sup>38</sup> Not only have the evils of slowly creeping disease been dealt with, but also the losses from sudden catastrophes and disasters have engaged the attention of the state at different times. In 1884 flood sufferers were aided by an appropriation of \$75,000, and a half dozen years later, when cyclones brought devastation to Louisville and other parts of the state, \$40,000 was appropriated for the sufferers.<sup>39</sup> Attempts have also been made to protect the people, whether it be from the shrewdness of the wandering peddler or from the tyranny of combined wealth and brains. Lightning-rod agents were taxed \$250 a year in 1886, and later insurance companies were made subject to prosecution for combining to monopolize the business of life and fire insurance in the state.<sup>40</sup>

The same high sense of economy and sound principles in public finances which characterized the state since the days of the money heresies in the '20s has continued. When Congress in 1873 passed a bill increasing the salaries of members of Congress and of certain members of other departments of the Government, and popularly called the "Salary Grab," the Kentucky Legislature voiced its protest against the law as being "in violation of good faith, and contrary to the principles of equity and justice," and commended those who voted against the bill.<sup>41</sup> The unwise practices of James W. Tate, long the treasurer of the state, in handling the state's money, with the consequent temporary loss of almost \$250,000, brought about a close scrutiny of state officials entrusted with state funds.<sup>42</sup>

<sup>35</sup> *New International Year Book*, 1908, p. 146; 1910, p. 401.

<sup>36</sup> See *New York Times*, March 10, 1922.

<sup>37</sup> *Acts of Kentucky*, 1873, p. 13; *American Annual Cyclopaedia*, 1878, p. 468.

<sup>38</sup> *Ibid.*, 1874, p. 440.

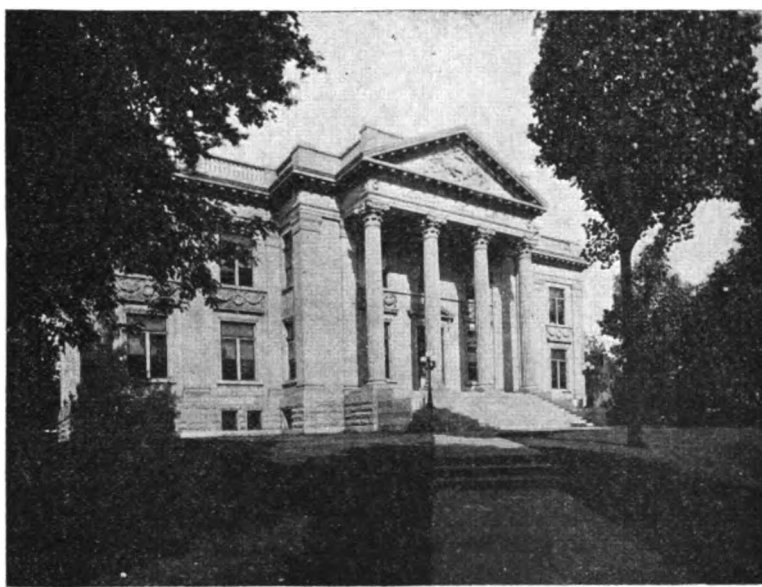
<sup>39</sup> *Acts of Kentucky*, 1883, p. 203; *American Annual Cyclopaedia*, p. 473.

<sup>40</sup> *Ibid.*, 1886, p. 466; 1899, p. 408.

<sup>41</sup> *Ibid.*, 1873, p. 401.

<sup>42</sup> *Ibid.*, 1888, pp. 462, 463; 1894, p. 394; 1898, p. 355.

The penitentiary and prison reform, old subjects of interest, have not failed to attract attention during this period. This was largely due to the increase in crime and to the consequent overcrowding of the state penitentiary. The most spectacular and foreboding growth came from the suddenly liberated negroes. In 1865 there were 20 negroes and 181 whites in the penitentiary; a dozen years later there were 533 negroes and 453 whites. It was believed that public executions did more to excite a morbid curiosity than act as a deterrent to crime, and so after 1880 executions were privately carried out. For petty crimes and thievery, many held that the whipping post was far preferable to imprisonment. A movement grew up in the latter '70s for the reestablishment of this method of punishment. It would be a more potent terror to evil-doers and would relieve the state of the burdensome expense of imprisonment. An instance was cited where a person who stole a brace and bits worth \$2.75 was jailed for almost a year, at an expense to the public



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of \$200 or \$300. Another person stole \$7 and was imprisoned at a cost of \$900 to the state. A member of the Legislature said: "Crime has been on the increase since the passage of the present law on petty larceny—to simply feed, clothe and keep in jail petty thieves at the expense of good citizens." "Our criminal law," he declared, "should have the rope at one end and the lash at the other." A bill for establishing the whipping post passed the House by a vote of 63 to 21, tied in the Senate, and was killed by the vote of the lieutenant-governor.<sup>43</sup> Luke P. Blackburn, elected governor in 1870, became greatly interested in prison reform. He found the penitentiary badly crowded, with 969 prisoners in 780 small cells, disease rife, and many prisoners dying. He immediately began to pardon those most deserving it, and thereby made room for the constant incoming stream. A legislative commission, appointed to visit the prison, recommended that 100 more be pardoned. Prison reforms were studied, and, due to a general awakened consciousness induced by Blackburn, conditions in the prison were soon on a

<sup>43</sup> *American Annual Cyclopaedia*, 1877, p. 420; 1878, p. 469; 1880, p. 422.

better basis. But the practice of hiring out the convicts had not been changed, and this evil soon came in for remedying. The working of prisoners in mines was prohibited in 1886, and the feeling soon grew up that prison labor should not be brought into competition with free laborers at all. Ultimately another prison was built, where prisoners under thirty years of age and not yet hardened in crime were to be educated, later paroled, and eventually discharged.<sup>44</sup>

The Kentucky character, which became so definite and exact during the early days when the people were almost an isolated unit within themselves and which so often attracted the attention of the visitors and provoked their almost invariably sympathetic comment, has not been lost completely in modern days when state lines are supposed to be of little concern except to the map-makers and the politicians. Kentuckians are still proud of the land of their birth, and "My Old Kentucky Home" has a very definite meaning to them, whether they still enjoy its hospitality or have migrated to other states. Many have left the state, but few have forgotten it. In 1881 the governors of Illinois, Missouri, Arkansas, Tennessee, Nevada and Utah were all native born Kentuckians. In 1906 the happy idea came to Miss Louisa Lee Hardin, a Kentuckian living in Denver, that the 600,000 Kentuckians living in other states should have a home-coming and renew their old associations. The plan was immediately embraced, and June 13th to 17th was set aside for their entertainment. Henry Watterson welcomed the wanderers back, and the country was given the unique spectacle of thousands turning again to the land of their nativity.<sup>45</sup> In literature, James Lane Allen and others have not forgotten their own state as an inspiration for song and story.<sup>46</sup>

The economic progress of the state was slow but consistent for the period directly following the Civil war. The labor situation was far from satisfactory, with the negroes yet enjoying their freedom and long in settling down as dependable laborers. The impatience of many Kentuckians with this situation was instrumental in producing the movement to secure foreign immigrants for the state. There were also many acres of land that awaited the settlers who were willing to work for a good living—why not induce thrifty foreigners? Then there was the added advantage of bringing more capital into the state in this manner. Thus by the early '70s there was a well-formed movement on foot to secure state aid in bringing foreign immigrants to the state. The promoters met defeat time and again when they brought their projects before the legislatures, but finally in 1880 they won a partial victory by having the promotion of immigration included as one of the duties of the Geological Survey, established this year. The law made the state geologist the commissioner of immigration and provided that he "shall collect, compile, publish and circulate, in such manner and by such agencies, and

<sup>44</sup> For various points on this subject see *American Annual Cyclopaedia*, 1880, p. 423; 1885, p. 515; 1887, p. 411; *New International Year Book*, 1910, p. 402.

<sup>45</sup> Cook, *Old Kentucky*, 257-288; *Magazine of American History*, 1881, p. 309, for Kentuckians in other states.

<sup>46</sup> See *Library of Southern Literature*, I, 41-45. L. G. Giltner, "Kentucky in Recent Literature" in *The Midland Monthly*, VIII (1897), 483-492, said, "A claim on the part of Kentucky to a place in the annals of literature would have been regarded as preposterous in the extreme; for then there existed the belief (does it still exist, perhaps?) that her spreading bluegrass pastures offered better pabulum for the fleet thoroughbred and the blooded trotter than the winged steed Pegasus; that her hills and vallies were accustomed to echo to the sound of the six-shooter rather than the plaintive pleasing of the Pipes of Pan; and that in lieu of drinking at the Pierian Springs, her denizens were wont to quaff a far-famed product of old Bourbon County which might have tempted even Minerva to become Bacchante." Irvin Cobb in "The Glory of the States, Kentucky," in *American Magazine*, Vol. 81 (May, 1916), pp. 19, 20, has some witty but very true characterizations of Kentuckians, of whom he is one.



in such places as he may deem proper and advisable, in the United States and in foreign countries, pamphlets and other publications descriptive of the resources and advantages of this state, and such other facts and information having a tendency to attract and promote immigration, and otherwise use his discretion in the furtherance of immigration and the bringing of skilled labor and capital into the state." The work was soon started with numerous bulletins and descriptive pamphlets from the "Geological Survey and Bureau of Immigration" flowing from the state. They were directed mostly to northern European countries and printed, of course, in the proper language to suit the country. Germans and Swiss were particularly solicited; bulletins were also addressed "To the Farmers of Great Britain and Ireland."

As Kentucky was only one of the many regions of the United States that suddenly awoke after the Civil war to the desire and needs of foreign immigrants, and as the state was somewhat out of the beaten path traveled by former immigrants, considerable rivalry was developed. The new Northwest was drawing the greatest number, both on account of its inherent attractiveness and because of the campaign it was waging. To combat this movement and offset the "slanders" that had been circulated against the state, there was issued a pamphlet entitled "Information for Immigrants. The Climate, Soils, Timbers, &c., of Kentucky, contrasted with those of the Northwest." Herein it was argued that the Northwest was a snare for the unsuspecting immigrant, that it was devoid of timber, that the rainfall was almost non-existent, that high freight rates had to be paid to get to market, and that the growing crops were a prey to clouds of devastating locusts. A few immigrants were brought to Kentucky, but not enough to play any important part in the development of the state. The most important single group were the Swiss who settled in Laurel County and attracted much attention for a time. Failure was generally laid to the niggardly policy of the state in merely appropriating \$700 a year to be used by the state geologists for the purpose, instead of setting up a separate bureau.<sup>47</sup> Outside of the large cities, Kentucky has never been an attraction to immigrants, and the number has in recent years actually declined. From 1900 to 1910 the number decreased from 50,133 to 40,053. The negro population also has decreased during the same period, Kentucky being the only Southern state in which this has occurred.<sup>48</sup> Within the last few years the state as well as the other states of the South have lost many of its negroes through their migrations to the North. The loss of this population has been an economic problem for the state, just as their presence makes a social problem. Louisville attempted to settle the latter in her race segregation policy in 1914, but the United States Supreme Court declared it unconstitutional.<sup>49</sup>

Unaided by foreign immigration, the state rapidly went forward in those industries in which it had long stood preeminent, and set about developing others. The distillation of whiskey rose from 403,000 gallons in 1868 to 30,386,000 by 1882, and had gone far beyond this when the prohibition movement laid hands upon it.<sup>50</sup> The whiskey industry battled long and lost; the tobacco business has not been without its problems. It has been the ill-fortune of the state that two of its greatest industries should be classed as luxuries and therefore subjected to

<sup>47</sup> A collection of the various pamphlets issued may be found in the Library of Congress. Also see Charles Dudley Warner, "Comments on Kentucky" in *Harper's Magazine*, Vol. 78 (January, 1889), pp. 255-271; *American Annual Cyclopaedia*, 1881, p. 470; 1889, p. 487; and *The South in the Building of the Nation* (Richmond, 1909), 304-332 in which a sketch of the state's development since the Civil war is given.

<sup>48</sup> *New International Year Book*, 1912, p. 355.

<sup>49</sup> *Ibid.*, 1917, p. 393.

<sup>50</sup> *American Annual Cyclopaedia*, 1882, p. 452.

high internal revenues taxes and should also run counter to the reforming zeal of a new generation, which has already destroyed one and is making headway against the latter. In 1878 the Legislature protested against the high revenue taxes on tobacco. It declared that the state raised 28 per cent of all the tobacco grown in the whole country, and it "seems strange that the farmers of the United States should suffer a government which they in part control to so deliberately tax them and their labor, in order to raise millions of dollars every year from their hard-earned labor, to be bestowed upon high-salaried officers, standing armies, useless navies, pet national banks, and bond-holders."<sup>51</sup> But the economic depression, with the attendant low price for tobacco, has been a greater source of trouble recently than any other cause.

All Kentuckians who cared to examine or to consider the evidence had known for a long time that the state was immensely wealthy in its undeveloped resources. The work of two geological surveys in antebellum times had amply proved this. The lethargy of war and politics was finally cast off in 1873, when the third geological survey was ordered, in which the geologist was "to discover and examine all beds or deposits of ore, coal, flora, and such other mineral substances as may be useful or valuable, and to analyze the same, and to perform such other duties as may be necessary to make a full and complete geological, mineralogical and chemical survey of the state."<sup>52</sup> An eminent Kentuckian, Nathaniel S. Shaler, was appointed to make the survey. He carried forward the work with skill and searching examination and paved the way for the great development of the state's resources to come later. Shortly after Shaler had resigned, Governor Knott said: "No expenditure of money has ever been made by our state government which has been more prolific of good results than that which has been devoted to our Geological Survey. Previous to its inauguration comparatively little was known of our varied and almost illimitable resources, and consequently the vast tide of capital, as well as intelligent labor, seeking new fields of employment, had drifted past us, and thousands of the most enterprising of our own people had been lured to other states supposed to have been more liberally endowed by nature with the various elements of material prosperity. But, although prosecuted under great disadvantages, it had demonstrated that our resources of every description are enormous; that our soils are adapted to the profitable growth of the widest range of agricultural products known to the temperate zone; that one-half of our primitive forests abounding in the greatest variety of valuable timbers is still untouched; that our state abounds in the richest iron-ores to be found in the world; and that our coal area is more extensive than that of the great State of Pennsylvania, or of Great Britain and Ireland combined, underlying nearly 13,000 square miles."<sup>53</sup> The amount spent on geological surveys from 1873 to 1890 was \$268,300.

From Shaler down to the present, with one interruption, the geological work of discovering and mapping the state's resources has gone on with increasing profit and success. Shaler was followed by J. R. Proctor in 1880, who continued until 1892, when the work lapsed for a dozen years. In 1904 a reorganization came under C. J. Norwood; in 1912 J. B. Hoeing took over the work; and in 1919 W. R. Jillson became state geologist.

The development of coal and oil in the state within recent years has borne out all the most roseate prophecies regarding its wealth of natural resources. The small amounts of coal that had been floated out of the eastern mountains since the days of James Wilkinson had by 1870

<sup>51</sup> *American Annual Cyclopaedia*, 1878, p. 471.

<sup>52</sup> *Ibid.*, 1873, p. 401.

<sup>53</sup> *American Annual Cyclopaedia*, 1883, pp. 463, 464.

increased to the respectable amount of 169,120 tons. But the real growth began with the Shaler survey. During this period the amount increased over 600 per cent, with almost 3,000 hands employed, and the product valued at \$737,966. Four years later, in 1884, seventy mines were being operated, producing 1,550,000 tons of coal and affording \$1,500,000 in wages to the workmen. In 1888 the output had increased to 2,342,058 tons, and from now on the increase was large and steady. In 1908 the United States Geological Survey estimated the original coal supply of the state to be 124,028,000,000 tons, of which only 122,400,000 tons had been mined. In 1913 almost 11,500,000 tons were produced, and three years later the amount had more than doubled, with 25,330,000 tons being mined. The increase of output has been greater than in any other state in the Union. The mines in the eastern part of the state have recently forged ahead of the mines in the western part of the state.<sup>54</sup> Petroleum was also known in the state from early times, but the real boom times began in the early '90s, when a Pittsburg company began to lease land in the southern part of the state. Prices for land suddenly advanced from \$2 to \$100 the acre. The most spectacular developments have come within very recent years. In 1915, 437,274 barrels were produced; the next year 1,202,569 barrels were taken from the earth. This amazing increase was 175 per cent in quantity and 423 per cent in value. By 1918 the state was being systematically honeycombed with wells. A campaign for oil was started that promised to leave no county untouched in the search.<sup>55</sup> Various other developments of lesser importance have been carried on. As early as 1879 the principal rivers were being stocked with fish, and at present the conservation of the state's timber supply is attracting attention and concern.<sup>56</sup>

The remarkable progress made within recent years could never have come without the pushing forward of trunk lines of railways with numerous feeders. The Louisville and Nashville has run a line southward from Cincinnati through the eastern mountains to Knoxville; the Cincinnati Southern was run somewhat to the westward, while still farther to the eastward the Carolina, Clinchfield and Ohio entered the state from Virginia and tapped the Chesapeake and Ohio at Elkhorn City, which carried the line down the Big Sandy to Catlettsburg and Ashland; and the Chesapeake and Ohio has also run lines from West Virginia down the Ohio to Newport and westward to Lexington and Louisville. Various other railway developments have been carried out in the western part of the state. In 1887 there were 2,341 miles of railway in the state; in 1918 it had increased to 4,069.<sup>57</sup>

But this development was not without its problems for the state, as well as for the railway companies. A certain amount of hostility was always held toward the railways as being powerful and grasping corporations, willing to sap the strength of the state to increase their own revenues. By 1880 the state had discovered that the railways needed watching, at least, so a Railroad Commission of three was set up to see that the railways obeyed the laws. Two years later stringent and comprehensive laws respecting rates and various railway abuses were enacted and the Railroad Commission given new powers and duties. Various laws concerning railroads have been passed since this, among the most recent of which being the law enacted in 1918 setting forth rules for

<sup>54</sup> *American Annual Cyclopaedia*, 1880, p. 425; 1885, p. 516; 1889, p. 486; *New International Year Book*, 1908, p. 393; 1913, pp. 385, 386; 1914, p. 399; 1916, p. 364.

<sup>55</sup> *American Annual Cyclopaedia*, 893, p. 425; *New International Year Book*, 1917, p. 393.

<sup>56</sup> *Ibid.*, 1916, p. 364; *American Cyclopaedia*, 1879, p. 540.

<sup>57</sup> *American Annual Cyclopaedia*, 1887, p. 410; *New International Year Book*, 1918, p. 350.

carrying into effect the Federal Employers' Liability Act.<sup>58</sup> While railroads were in the good graces of the state, and especially before the companies had constructed them, certain tax exemptions were made. But in 1886 the exemption was repealed, at least by implication, and a few years later the railroads were sued for back taxes and were forced to pay \$100,000 to the state. Certain counties, especially during the contagion for constructing railways directly following the Civil war, voted large bond issues, and later defaulted in their payment. Suits arose and long-drawn-out litigations followed. In 1868 Muhlenburg County issued \$400,000 in bonds to the Elizabethtown and Paducah Railroad, twenty-six miles of which road was to run through this county. The county later attempted to repudiate these bonds, but was prevented by actions that ran throughout the state courts and to the Supreme Court of the United States. An injunction to restrain the collection of county taxes for the debt, that now amounted to over \$1,000,000, was denied. Union County likewise issued bonds to aid a railway, to be delivered when the line should be finished. The county was inveigled to hand over the bonds before completion of the road, whereupon work on the line was stopped and the bonds sold by the railway company for 73 cents on the dollar. The county refused to pay more than the rate of sale by the company.<sup>59</sup>

With the coming of the railroads, river navigation largely fell into disuse. In 1880 the state turned over to the National Government the Kentucky River with the understanding that the locks be restored and repaired and that slack-water navigation be extended into the mountains. Congress soon assumed control over the other rivers and large amounts of Federal money have been spent on the Kentucky, Big Sandy, Cumberland, and other rivers of the state.<sup>60</sup>

The rising industrialism in the state set apart large numbers of people into a laboring class, who owned not their tools of production and who saw their economic welfare circumscribed by the narrow limits of wages paid them. Labor consciousness produced labor organizations and their methods at times brought additional problems for the state to deal with. The railroad strike in 1877, extending over much of the Middle West, reached Kentucky. The mayor of Louisville issued a proclamation against violence, and the governor of the state called upon the people to remain quiet and obey the laws. Most Kentuckians had a wholesome sympathy for the working man and his unions and looked with favor upon his efforts to obtain higher wages and better living conditions. When the Homestead strike near Pittsburg was put down in 1892 by rather ruthless methods, the Kentucky Legislature passed resolutions of sympathy for the strikers. However, a warning was raised at this time that since the causes of the strike were not fully known and since Kentucky was not directly concerned, the law-makers should best keep silent. As the coal mines came to be more fully developed in the state, labor troubles in these quarters have become rather frequent. Strikes accompanied with riots and bloodshed have marked their course at times.<sup>61</sup>

Interesting views of the industrial progress of the state and of the South have been given in various conventions and expositions. In 1883 an industrial convention was held in Louisville, extending over a period of 100 days, which was attended by almost 750,000 people. The exposition in Atlanta in 1881 graphically showed the recovery of the South

<sup>58</sup> *American Annual Cyclopaedia*, 1880, p. 422; 1882, pp. 449-451; *New International Year Book*, 1918, p. 350.

<sup>59</sup> *American Annual Cyclopaedia*, 1893, pp. 424, 425; 1894, p. 394.

<sup>60</sup> *Ibid.*, 1880, p. 424; Verhoeff, *The Kentucky River Navigation*, 33, 34.

<sup>61</sup> *American Annual Cyclopaedia*, 1877, p. 421; 1892, p. 373; 1901, p. 703; *New International Year Book*, 1907, p. 441; C. R. Lingley, *Since the Civil War* (New York, 1921), pp. 133, 265, 315, 320.

from the devastations of the war. The Kentucky Legislature, by invitation, attended in a body.<sup>62</sup>

Boundary questions, which had been so prolific a source of dispute in ante-bellum times, were not yet all disposed of at the beginning of this recent period. In earlier times the troubles had been with Tennessee and Virginia concerning land boundaries; now they were with states to the north and west and arose over river lines. Through the adjudication of suits arising over the ownership of certain islands in the Ohio and Mississippi rivers, the United States Supreme Court laid down the rules concerning such cases. The ownership of Wolfe Island, in the Mississippi River, was established in 1870. This island, containing about 15,000 acres, had from early times been considered a part of Kentucky; its population voted in Kentucky and paid their taxes there. But between 1820 and 1870 the channel of the river, which had previously been on the Missouri side, gradually shifted, with the aid of dredging operations, to the Kentucky side. As the old treaties among England, France and Spain had set the middle of the channel as the boundary, Missouri now claimed the island as her territory. Besides arguing prior ownership, Kentucky also showed that originally the island was a part of the eastern bank, as was proved by its elevation and vegetation. The Supreme Court awarded it to Kentucky on the grounds that the shifting of the river did not carry with it a boundary once established.<sup>63</sup> The other important dispute during this period concerned Green River Island, in the Ohio River, near Evansville, Indiana. As this bit of land had long been a refuge for outlaws on account of its disputed ownership, Kentucky and Indiana in 1875 attempted to settle the question. Failing in this, the case was appealed to the United States Supreme Court. Due to the shifting of the river, the island was at this time actually joined by land to the Indiana side, and largely through this argument did Indiana now claim it. The court had already held that the boundary of Kentucky extended to the low-water mark on the north shore, in its interpretation of the Virginia act ceding the Northwest Territory to Congress.<sup>64</sup> The old rule that the shifting of a river did not carry a boundary with it was applied and Kentucky was awarded the island.<sup>65</sup>

Politics has continued to play a large part in the lives of the people; Kentuckians by nature are political beings in as full a measure as any people of the Union. They delight in their political campaigns and, though the ante-bellum barbecues and other campaign methods have been discarded, the heat with which the fight has been carried on gives excitement enough. The democrats emerged from the Civil war and the period directly thereafter as the dominant party by a large margin. Despite the negro vote, Leslie had been elected in 1871 by a comfortable majority. The democrats' strength throughout the state was shown again in 1874, when T. C. Jones was elected clerk of the Court of Appeals by a majority of 60,000 votes, and all of the congressmen except one were captured. The preceding year the democratic strength in the Legislature was shown in the election of Willis B. Machen to the United States Senate by a vote of 104 to 18. The people of the state had not yet reached the point where they could discuss questions wholly on their own merits, uninfluenced by the memories of the Civil war and its problems, and as long as this was true the individual problems of the state itself were likely to be largely forgotten. It was directly to the

<sup>62</sup> *American Annual Cyclopaedia*, 1883, p. 464; *Acts of Kentucky*, 1882, I, 142.

<sup>63</sup> 11 *Wallace* 395. See also *Journal of American History*, V, 283-285.

<sup>64</sup> See *Hadley's Lessee vs. Anthony*, 5 *Wheaton*, 374. For the Virginia act of cession and the deed of cession, see Benjamin P. Poore, *Federal and State Constitutions, Colonial Charters, and other Organic Laws of the United States*, 427, 428.

<sup>65</sup> *State of Indiana vs. State of Kentucky*, 136 *U. S. Reports*, 479. Also see *American Annual Cyclopaedia*, 1875, p. 418; 1890, p. 474.

advantage of the democrats to "wave the bloody shirt" and remind the Kentuckians of what their state had been forced to suffer under Federal control, just as this same wartime capital was used by the republicans in the nation to maintain their power. The republicans in the state, knowing that their wartime heritage was a distinct liability, sought to divert attention from it by calling for an excellent program of state activities, such as aid to the schools, promotion of immigration and the development of the state generally. In 1873 the democrats bitterly attacked Congress for its usurpations in its treatment of the South, and of Louisiana especially at this time. And when it came to a constructive program for the state, the democrats were little behind the professed good intentions of the republicans, but they laid themselves open to republican attacks for never carrying out the program. In 1873 the democrats came out for the development of industries, promotion of foreign immigration, and other forward-looking policies. They issued this invitation at this time: "*Resolved*, That the Democracy of Kentucky, forgetting all past political differences, and looking to the best interests of the whole country, cordially invite all who are opposed to corruption and consolidation to cooperate with them." <sup>66</sup>

The gubernatorial election of 1875 was preceded by a hard-fought campaign. The democrats nominated J. B. McCreary and adopted a platform calling for the general development of the resources of the state, but at the same time did not forego the advantages of war reminders. The Federal Government again was condemned for interfering in the affairs of the state, "and we hold that any unconstitutional interference by the General Government with the local affairs of any state to any extent or under any pretense whatever should be at once repudiated and condemned by all classes of every section of the Union." The republicans nominated their strongest leader, John M. Harlan, on a platform calling for the educational and economic upbuilding of the state and the encouragement of immigration, and condemning the democrats for not suppressing the Ku Klux Klan, for passing special legislation of various kinds and for tolerating monopolies. McCreary was elected, but Harlan polled a powerful republican vote. The popular vote stood, McCreary, 126,976; Harlan, 90,795. McCreary, in his inaugural address, forgetting the past, made a forward-looking promise for the future. "I wish to see," he said, "the records of secession, coercion and reconstruction filed away forever, and the people of the whole country earnestly advocating peace and reconciliation, and all looking to the Constitution as the guarantee of our liberties and the safeguard of every citizen." <sup>67</sup>

But the state has never been able to get away from the feeling that the great amount of daring leadership and romance of the Civil war was with the Confederate element and, while honoring alike the heroes of both sides, it has loved to recall particularly those who lost. In 1878 the Legislature appropriated \$10,000 for the erection of a statue in Lexington to Gen. J. C. Breckinridge, which should stand "as a mark of our respect to the memory of the deceased hero." <sup>68</sup> When Gen. S. B. Buckner, whom the state had made governor in 1887, died, the Legislature placed upon its records this appreciation of him as a man: "He was tall and strong, courtly and soldierly in bearing, genial but frank and firm. He was highly educated, and well informed in civil and military affairs; he wrote and spoke with precision, elegance and force. His sense of duty was the constant guide to his actions. In his long, honorable, illus-

<sup>66</sup> *American Annual Cyclopaedia*, 1873, p. 403; also see *Ibid.*, p. 401; 1874, p. 441.

<sup>67</sup> *American Annual Cyclopaedia*, 1875, pp. 416, 417.

<sup>68</sup> *American Annual Cyclopaedia*, 1878, p. 470. This statue was erected in Lexington.

trious life, he shed luster not only on himself, but on the whole Commonwealth. Distinguished in war and in peace, he is a good exemplar for the imitation of the youth of the land. He has been one of the most distinguished men ever born in the state. He has helped to ennoble and enrich our heritage. His services were great, his escutcheon stainless; his fame is gratifying to all high-minded men."<sup>69</sup>

In 1879 Luke P. Blackburn was elected governor by the democrats in opposition to Walter Evans, the republican. Three years later a war echo came in the election of a clerk of the Court of Appeals. T. J. Henry, who had been an officer in the Confederate army, was nominated by the democrats, to the dislike of certain members of the party, who nominated R. T. Jacob, who had been a Union officer but had opposed negro enlistments and had been arrested. The republicans, seeing a chance to win an election, supported Jacob. But the Rock of Gibraltar could not be stormed; Henry was elected by a vote of 115,000 to 75,000 for Jacob. The gubernatorial campaign of 1883 saw J. Procter Knott candidate for the democrats, and Thomas Z. Morrow the republican nominee. Knott's great popularity, engendered by both his wit and ability, was too much for the republicans. He carried the democracy through by an increased majority, while Morrow's vote fell off slightly from Harlan's four years before. The election in 1887 was quite different. The democrats now nominated Simon B. Buckner, the inspector-general of the State Guards in 1861 who had played so important a part in the days of neutrality, and who had later fought valiantly on the Confederate side. The republicans brought forward one of the ablest republicans the state has ever produced, William O. Bradley. They were growing tired of defeat; they would now make their boldest efforts. They declared that "a change is necessary in our state affairs which would curtail offices, reduce expenses and enable the people of Kentucky to overhaul and examine the books, which for nearly twenty years have been virtually sealed against them." Bradley polled an unprecedented vote, receiving 126,473. Buckner also polled a record vote for the democrats, 143,270, but the gap between had grown much smaller.<sup>70</sup>

In the campaign of 1887 were two other parties, small but persistently magnifying some particular policy or condition in life. Temperance or prohibition had been a subject that had played a considerable part in the thoughts of people before the Civil war, and directly after the whig party had dissolved in the '50s, for a time it seemed as if the temperance party would develop into some political strength. Every such thought was soon buried in war politics, and not until about 1880 did the prohibition party raise its head in Kentucky. A convention was held on February 15 of this year at Lexington, when it was resolved that candidates should be run for office. Within a year it had gained much strength, and in a meeting in Louisville on October 14, 1881, both the democrats and the republicans were denounced as allies of the liquor interests, and certain party tenets were announced. Besides the cardinal principle of opposition to the liquor business, the right of women to vote was demanded, with reference especially to the question of liquor. In 1887 a state ticket was announced, with F. T. Fox for governor. Constitutional amendments, both state and national, were called for to put a stop to the liquor traffic; hiring out convicts was denounced; a law disfranchising anyone who should buy or sell a vote was demanded, and an investigation every ten years of all state offices was advocated. The union labor party entered this campaign, with A. H. Cardin for governor.<sup>71</sup>

<sup>69</sup> *Acts of Kentucky*, 1914, pp. 506-508.

<sup>70</sup> For the various points see *American Annual Cyclopaedia*, 1879, pp. 541, 542; 1882, p. 452; 1883, p. 461; 1887, p. 411.

<sup>71</sup> *American Annual Cyclopaedia*, 1880, p. 450; 1881, p. 469; 1887, p. 411.



GEN. S. B. BUCKNER



It was during Governor Buckner's term that the fourth constitution was made. The constitution of 1850 had been framed under conditions so different from those of 1890 as to constitute entirely another age. The Civil war, with all of its tremendous consequences, had come and gone, and a new era of social and economic development was now at hand, but the same ante-bellum instrument of government was being haltingly aroused by a modern state. Besides being grossly out of date, it positively conflicted with the Federal Constitution and with certain state laws in pursuance thereof. Slavery in all of its vigor was protected, despite the fact that that institution had been dead for a quarter of a century. Kentuckians were not oblivious to these incongruities; scarcely had the war ended when a movement for a constitutional convention began to be agitated. But the method of amendment had been made so nearly impossible that it was only through a thoroughly aroused demand throughout the whole state that there could be any hope of success. Only after a majority of all voters should in two successive elections stand for a constitutional convention could one be called—and the Legislature, itself, could refuse to put the vote, if it so desired. In 1873 the Legislature took up the matter of submitting the question to the people, but little resulted outside of the appointment of a joint committee of investigation. However, the next year the Legislature passed a law submitting the convention question to the people at the next election. When the returns were in, it was found that only a small minority had signified their desire for a convention. From now on until success was had, the great problem before the leaders of the state was to so sufficiently arouse the people as to have them express their views. The greatest handicap was the lethargy of the masses, rather than any pronounced opposition. In each succeeding election the question was voted upon, but little progress seemed to be made. In 1884 only 73,704 out of a total of 169,173 voted for a convention.<sup>72</sup>

The case seemed almost hopeless. Both parties regularly favored a convention in their various platforms and addresses to the people. In 1875 the republicans demanded constitutional reform in order that the people might be brought into a full control of their government "and that the stigma placed by the present constitution on all the free colored citizens of the state may be removed."<sup>73</sup> Various methods were adopted to wring from the voter an expression on the question. Clerks at the polls were instructed by law to ask every voter specifically to register his vote on this point. It was even advocated by some that this method of amending the constitution be ignored and, carrying out the idea of a peaceful revolution, a "sovereign convention" be called. This doctrine, besides being supported by the principle of the inherent right of revolution, had some basis in the constitution in the rather all-inclusive article four of the Bill of Rights: "That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, happiness, security, and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper."<sup>74</sup>

Finally, in 1887, after almost continuous efforts since 1873, a popular majority was secured. In the election of this year 162,557 voted for a constitutional convention; 49,795 voted against it, and 65,956 did not vote at all. The victory was only half won, as two successive majorities

<sup>72</sup> *Acts of Kentucky*, 1873, p. 74; 1881, I, 141, etc.; *American Annual Cyclopaedia*, 1873, p. 401; 1874, p. 440; 1883, p. 461, etc.

<sup>73</sup> *Ibid.*, 1875, p. 417; 1879, p. 541.

<sup>74</sup> Thorpe, *American Charters, Constitutions, and Organic Laws*, III, 1312. Also see *American Annual Cyclopaedia*, 1878, p. 468; 1879, p. 573; 1881, p. 468; 1887, p. 411.

were necessary. Victory was complete two years later, when a second majority was given. The Legislature now called for an election of delegates to the convention to meet soon thereafter in Frankfort. As in 1850, so now, the democrats secured control, and on September 8, 1890, the organization was effected. Governor Buckner called the meeting to order, and, as a man with a name to conjure with was found among the delegates, George Washington was unhesitatingly made temporary chairman. Cassius M. Clay, Jr., was then made permanent chairman. The old constitution was thoroughly made over and a new instrument almost twice as long was produced. Outgrown provisions, such as the article on slavery, were omitted and much new material was added to cover new conditions. Numerous sections were added relative to municipalities, revenue and taxation, education, corporations and railroads and commerce. The power of the Legislature to pass special legislation was curtailed in twenty-nine separate classes of subjects, lotteries were made illegal, and a "secret official ballot" furnished by the state should be used in voting. The sessions of the Legislature were prohibited from extending over more than sixty days, except in the case of the Senate when acting as a court of impeachment. Under the old constitution sessions might not extend beyond sixty days, except by a two-thirds vote. This had resulted in no limitation at all, as the required majority could always be had when desired, and sessions were known to extend through as long a period as 149 days. An easier method of changing the constitution was adopted. Not more than two amendments might be added at one time by the Legislature, through a three-fifths vote, submitting them to a popular vote, in which only one submission and a simple majority of votes cast was necessary. For calling a convention, a majority vote of all members in two consecutive legislatures and the submission of the question to a popular vote, in which the majority for the convention must be at least one-fourth of all qualified voters, was the plan provided.<sup>75</sup>

The work of the convention did not meet with instant approval, even among the democrats, who had been in control. Its chief fault lay in the fact that its members tried to legislate for all time. In the party convention in May, 1891, no mention was made of the new constitution. However, the opposition soon died out, and in the following election it was adopted by 213,950 to 74,446. But even yet the troubles were not over. The convention reassembled in September, after the constitution had been adopted by the above popular vote, and proceeded to make certain changes. It was claimed by the convention that no material changes had been made, that the language had been merely smoothed out and certain grammatical errors corrected. But this explanation was not satisfactory to all; two suits were speedily begun, one against the public printer to restrain him from publishing the new constitution and the other against the secretary of state to prevent him from preserving it as the true constitution, and it was furthermore asked that this document be pronounced spurious and invalid. The trouble finally reached the Court of Appeals, and Chief Justice Holt said in his decision, "If through error of opinion the convention exceeded its power and the people are dissatisfied, they have ample remedy without the judiciary being asked to overstep the proper limits of its power. The instrument provides for amendment and change. If a wrong has been done, it can, and the proper way in which it should, be remedied is by the people acting as a body politic. A new constitution has been formed and promulgated according to the forms of law. Great interests have already arisen

<sup>75</sup> A copy may be found in Thorpe, *American Charters, Constitutions, and Organic Laws*, III, 1316-1358, and in E. S. Kinkead, *A History of Kentucky* (New York, 1919), 227-271. See also *American Annual Cyclopaedia*, 1887, p. 412; 1888, p. 462; 1889, p. 487; 1890, p. 474; 1891, pp. 405-407.

under it; important rights exist by virtue of it; persons have been convicted of the highest crimes known to law according to its provisions; the political power of the Government has in many ways recognized it; and under such circumstances it is our duty to treat and regard it as a valid constitution, and now the organic law of our commonwealth."<sup>76</sup>

The perennial question of the final and permanent seat of the government was taken up in 1892 by the appointment of a joint committee to investigate and present the advantage of at least four cities, one of which should be Frankfort. Frankfort was finally made the seat of government beyond further doubt, when a handsome and commodious capitol building, perhaps excelled by none in the Union, was erected.<sup>77</sup>

In 1891 the Democrats nominated John Young Brown for governor, and the republicans named A. T. Wood. The new constitution received considerable attention in the campaign, with the republicans taking a very prominent stand in its favor. Wood said: "We declare that we recommend the adoption of the new constitution because it blots from our laws all provisions that authorize human slavery, secures a secret ballot, and provides against frauds and corruption in elections; subjects to regulation by law all public corporations, prohibits the abuse of special legislation, abolishes lotteries, enlarges and protects the common-school fund, increases the opportunities of popular education, makes more equal the burdens of taxation, better protects the agricultural and laboring interests, and makes provision for its own ready amendment by the people."<sup>78</sup> The most significant thing about this campaign and election was, perhaps, the part played by the populists. Nationally they were a party recently grown up as a protest of the farmers of the West and the South against hard times, with more money as one of their cardinal principles, and with the free coinage of silver at the ratio of 16 to 1 as a potent remedy. The Kentucky populists nominated Erwin for governor. The election resulted in the choice of Brown, but Erwin polled the surprising vote of 25,631. By 1893 the nation was in the throes of a withering panic and, regardless of its causes, the democrats, who held the Presidency at this time under Cleveland, were forced to bear the blame. The Kentucky democrats were given their proper share of the unpopularity, as was so clearly shown in the congressional election of 1894, when they succeeded in carrying only six out of the eleven districts. The republicans, besides carrying five districts, elected a justice to the Court of Appeals.<sup>79</sup>

Political conditions were rapidly approaching a state of flux, out of which exact party crystallizations could not yet be predicted. The money question, which a surprisingly few really understood, was sweeping the country. The free coinage of silver and the adoption of bi-metalism were heralded throughout the country as a cure for all ills the people were suffering, and the doctrine was embraced by hundreds of thousands who did not understand and could not. Both democrats and republicans alike were attracted, with a more goodly number of the former succumbing. The gubernatorial campaign of 1895 was largely concerned with this issue. With the democrats hopelessly divided among themselves, the fight began for the nomination of a candidate for governor. P. W. Hardin was the outstanding leader of the free silver wing, while Cassius M. Clay sought to hold the party together more by maintaining that the money question was not for the state to deal with or worry about, than by positively arguing for the single gold standard. The pre-convention campaign was hotly fought, with John G. Carlisle,

<sup>76</sup> *American Annual Cyclopaedia*, 1892, p. 373.

<sup>77</sup> *Acts of Kentucky*, 1891, 1892, 1893.

<sup>78</sup> *American Annual Cyclopaedia*, 1891, p. 408.

<sup>79</sup> *American Annual Cyclopaedia*, 1894, p. 396.

the Secretary of the Treasury in Cleveland's Cabinet, visiting the state and making a number of speeches against free silver. The fight increased in intensity as the convention met in Louisville to make the state nominations. But hard times and the lure of free silver had won the day; Hardin, the free silver candidate, was nominated. The Republicans had previously held their convention and had nominated their staunchest and most able representative, William O. Bradley, on a single gold standard platform. The campaign was spirited and hard-fought, with many joint debates taking place. The gold standard democrats were greatly displeased with their candidate, and some of them demanded his withdrawal. As the campaign progressed it was evident that the democrats were hopelessly divided, and it should have occasioned no surprise, when the voting was over, that Bradley was elected by almost a 10,000 majority over Hardin. The populist candidate, Pettit, received about 17,000 votes. Many democrats had deserted their party, some temporarily, others permanently.<sup>80</sup>

Now for the first time in the history of the state the republicans were in control of the executive power. Would they be able to succeed where they had so often charged the democrats with failure? The answer was difficult, for, like almost every National Administration since the Civil war, they did not control all branches of the government. In the Legislature the republicans held a majority in the House, but the democrats controlled the Senate. The stage was now set for four years of bickering and strenuous conflict between the two parties. During the first session of the Legislature under Bradley, fewer than forty bills became laws, and only nine resolutions were passed. Deadlocks were frequent not only over desired legislation, but especially on the election of certain officials. For a month or more there was a contest over the choice of a librarian, but finally the democratic candidate won out. The most prolonged and aggravated struggle was precipitated when the attempt was made to elect a United States senator. The free silver question was added to party rivalry, in a Legislature which in a joint session held the parties evenly divided.<sup>81</sup> Parrying for advantage immediately began. The republican House appointed a committee of three republicans and two democrats to investigate the credentials of its members; the democratic Senate made a counter-move by appointing a committee of five democrats to examine into the credentials of the Senators, with a silent threat to unseat as many republican senators as the House should unseat democratic representatives. Members of both houses were unseated, and much confusion arose which threatened to develop into armed conflict. Against the will of fourteen democrats, J. C. S. Blackburn, a free silver supporter, was centered upon by the democratic caucus, while the republicans attempted to elect Dr. W. G. Hunter. On March 17 the session expired by constitutional limitation, in confusion and without an election having been made.<sup>82</sup> Thereupon Governor Bradley appointed A. T. Wood to serve, beginning after March 4, 1897, if the Legislature in the meantime had failed to make a choice.

In a special session called for March, 1897, the contest was renewed, with Blackburn and Hunter the candidates. Ballot after ballot was taken, but with no result except an increasing bitterness between the factions. At times Hunter came within one vote of the election and at other times he had a majority of those present. The contest was made still more bitter by the indictment of Hunter for bribery, with his consequent trial and acquittal. Finally, on the 112th ballot, William J. Deboe, a repub-

<sup>80</sup> *American Annual Cyclopaedia*, 1895, pp. 382, 383.

<sup>81</sup> There were two populists, one voting with the democrats and the other with the republicans.

<sup>82</sup> *American Annual Cyclopaedia*, 1896, pp. 375, 376.

lican, was elected. The democrats never united on Blackburn, due to their internal dissensions over the money question.<sup>83</sup>

In the meantime the Presidential election of 1896 had taken place, in many respects the most remarkable political contest in the history of the nation. The free silver doctrine had gripped both major parties and had called into existence either for support or opposition a number of others. The National Democratic Administration was standing for the gold standard and diligently working to hold the party back of it. In the struggle preceding the national convention, Kentucky became a storm center of major interest and importance. As heretofore mentioned, in connection with the state elections, the Kentucky democracy was strongly impregnated with free silver doctrine. Delegates were sent to the Democratic Convention in Chicago, pledged to free silver. When the party, under the new leadership of William J. Bryan, entered the camps of bi-metallism and free silver, the great bulk of Eastern democrats refused to remain longer with the party. They met about two months later in Indianapolis, and under the name of national democrats, put a separate ticket into the field, with John M. Palmer for the Presidency and Simon B. Buckner for the Vice Presidency. Out of the varying interplay of parties and party secessions, the republicans carried the nation for McKinley and won twelve of the thirteen electoral votes of Kentucky. McKinley's majority over Bryan in Kentucky was 281, and for the first time in the history of the state the republicans had defeated the democrats in a Presidential election.<sup>84</sup>

Although the democratic party was badly shaken, it had not yet developed into a minority party. Many who had temporarily deserted it on the money question, were still democrats on all other points. In the elections of 1897 the democrats elected Samuel J. Shackelford to the clerkship of the Court of Appeals by a small majority over James G. Bailey, the republican, and won more than a two to one majority in a joint session of the Legislature. The role of the republican governor now became increasingly difficult, as the democratic Legislature was able to kill his program and force much of its own through over his veto.<sup>85</sup> But as the next gubernatorial election approached, the outlook was not bright for the democrats. Free silver was still a flaming firebrand, so much so that Senator Lindsay, a gold standard democrat, was asked by the Legislature in 1898 to resign his seat, as he no longer represented the people of Kentucky. This he promptly refused to do and challenged the statement of the Legislature. Another storm center developed about this time, which further divided the Kentucky democracy. William Goebel had recently become a powerful force in the democratic party and had built up a strong following, as well as persistent antagonists. In 1898, as state senator, he had succeeded in securing a new election law, generally referred to as the "Goebel Election Law." By this law the election machinery was placed in the hands of three commissioners elected by the Legislature and in county boards appointed by these commissioners.<sup>86</sup> This law was bitterly attacked by the republicans and was condemned by many democrats.<sup>87</sup>

<sup>83</sup> *American Annual Cyclopaedia*, 1897, p. 437.

<sup>84</sup> Edward Stanwood, *A History of the Presidency from 1788 to 1897* (Boston, 1898), 519-569. From 1876 down to this time, the votes of the major parties were: In 1878, Tilden, 159,696, Hayes, 97,156; in 1880, Hancock, 149,068, Garfield, 106,306; in 1884, Cleveland, 152,961, Blaine, 118,122; in 1888, Cleveland, 183,800, Harrison, 155,134; and in 1892, Cleveland, 175,461, Harrison, 135,441.

to kill his program and force much of its own through over his veto.<sup>85</sup>

<sup>85</sup> *American Annual Cyclopaedia*, 1897, p. 438; 1898, p. 356.

<sup>86</sup> *Acts of Kentucky*, 1898, pp. 43-57.

<sup>87</sup> In their convention in 1899, the republicans said that this law "is viciously partisan, subversive of fairness and honesty in elections, hostile to the principles of free government, removes safeguards which have heretofore protected and guaranteed the right of suffrage, denies to our courts the power to protect voters in the state

In the democratic convention, which met in Louisville in June, 1899, a three-cornered fight for the gubernatorial nomination developed among Goebel, P. W. Hardin, and William J. Stone. After a heated contest, Goebel was finally nominated. Goebel's enemies refused to abide by the decision and in the following August nominated John Young Brown in a convention held in Lexington, taking the name, "Honest-election Democratic Party."<sup>88</sup> The republicans nominated William S. Taylor, and the populists and prohibitionists also put tickets into the field. The campaign was one of the most bitterly fought in the history of the state; and when the votes were counted it was found that Taylor had a majority.<sup>89</sup> The democrats immediately charged Governor Bradley with intimidation of voters by the use of the militia in Louisville on election day. An attempt was made to have the votes of Jefferson County thrown out on the grounds that the governor had been guilty of "illegally using the militia and overawing and intimidating the voters;" and "because the said military was unlawful in every respect and a criminal usurpation of power \* \* \* and thereby the civil power was subordinated to the military power, and an overt act of a treasonable nature against the Constitution of the State of Kentucky was committed."<sup>90</sup> Other frauds, such as the use of tissue ballots, were also charged.<sup>91</sup>

Although the republicans on the face of the returns had elected the governor, the democrats carried both branches of the Legislature by considerable majorities.<sup>92</sup> On December 12, the republican administration was inaugurated, but not without the protests of the democrats and soon thereafter the notice that contests would be filed.<sup>93</sup> Immediately on the meeting of the Legislature on January 2, 1900, contests for the offices of governor and lieutenant-governor were served, giving nine counts, and committees were appointed according to law to try the contests. As the Legislature was democratic it was generally believed that it would declare Goebel elected. On January 25, between 500 and 1,000 armed men from the eastern part of the state came to Frankfort and took up quarters around the state house. Their announced purpose was to petition the government for a just settlement, which, of course, meant the republicans should not be unseated. This was considered by many as

against the perpetration of fraud at elections, commits broad powers to irresponsible commissioners not chosen by or accountable to the people for their acts, and imperils the sacredness, efficiency and power of the ballot." *American Annual Cyclopaedia*, 1899, pp. 409, 410. A democratic paper said of it, "In all the force bills mediated by the radical in Congress during the dark days of reconstruction, there were discernible some pretense and pretext, some lingering memories of republican instincts and traditions. Even in the Plebecites of Louis Napoleon there was the outer display of a just electoral process and purpose. This force bill of Kentucky gives the voters not a ray of hope. It makes no claim or show of fairness. \* \* \* In one and at one fell swoop, Kentucky is to become the subject of a triumvirate, which is to decide who shall hold office and who shall not." Quoted in William Lindsay, "Some Conditions in Kentucky" in *International Monthly*, I, p. 569.

<sup>88</sup> *American Annual Cyclopaedia*, 1899, p. 409.

<sup>89</sup> The official count was Taylor, 193,714; Goebel, 191,331; and Brown, 12,140.

<sup>90</sup> *American Annual Cyclopaedia*, 1899, p. 410.

<sup>91</sup> A Louisville paper commented as follows on the lawlessness accompanying this election: "Following closely upon a series of wholesale murders in the State's feud-districts; where a man's life is not safe, we are now shown the sickening spectacle of fifteen American citizens murdered outright at the polls while attempting to exercise their right of suffrage. That number were instantly killed in election rows and riots in different parts of the State, and the news comes that a dozen more are likely to die." Quoted in *American Annual Cyclopaedia*, 1899, p. 409.

<sup>92</sup> The Legislature stood: Senate, twenty-six democrats, twelve republicans; House, sixty democrats, forty republicans.

<sup>93</sup> The democratic committee said on Dec. 21: "The Democratic party of Kentucky, through its several State committees, has unanimously declared that the best interests of the party, as well as justice, demand that contests shall be made by all the candidates on the Democratic ticket for the respective offices for which they were nominated." *American Annual Cyclopaedia*, 1899, p. 411.

an act of war, and feeling was soon running high, with a dangerous situation confronting the state. On January 30, as Goebel was walking up to the state house, he was shot by someone concealed in the office of the secretary of state, and mortally wounded. He was administered the oath of office, before dying on February 3. On his death, J. C. W. Beckham, who had been declared lieutenant-governor by the Legislature, succeeded to the governorship.

A situation which had been dangerous heretofore was now composed of all the elements of civil war. Taylor called out the militia and threw a cordon of troops around the capitol, and issued a call for the Legislature to meet in London. The democrats, who claimed the Government, refused to obey, with the result that only a minority, the republicans, adjourned to London. The democrats, after attempting to meet in various places in Frankfort, adjourned to Louisville.<sup>94</sup> By the end of February both factions of the Legislature went back in Frankfort with a situation in the Senate very amusing had it been less dangerous. As there were two groups claiming the Government, John Marshall, the republican claiming to be lieutenant-governor and therefore president of the Senate, and Senator Carter, elected president pro tempore of the Senate by the democrats, both occupied chairs aside of each and attempted to direct the proceedings of the Senate. The republicans obeyed Marshall and invariably adjourned as a quorum could not be found, whereas the democrats obeyed Carter, and having a majority, proceeded to transact business. The humor in the situation was described by this news dispatch: "Senator Carter directed the clerk to read the journal, while Mr. Marshall directed Rev. Dr. Dorsey of the Christian Church to pray. Doctor Dorsey was quicker than the clerk and he began his prayer before the clerk had a chance to read. It is the custom in the Kentucky Legislature for the members to rise when prayer is being offered. The democrats all kept their seats and Senator Carter sat down while the republicans all stood up. The moment Doctor Dorsey had finished, the clerk was at it and the lieutenant-governor was asking if there was any business before the Senate."<sup>95</sup>

The question as to who rightfully held the offices had in the meantime been appealed to the courts and on March 10 the State Court of Appeals had decided in favor of the democrats. Refusing to consider this as final, the republicans appealed the case to the United States Supreme Court, which handed down its decision against them on May 21. It held that Kentucky still had a republican form of government, and that offices were not private property, and therefore not protected under the Fourteenth Amendment, as the republicans had argued.<sup>96</sup> The republicans accepted the decision in good faith, and due to an extraordinary amount of forbearance on the part of all factions, the state was delivered from a most dangerous situation. The republicans contented themselves with flaying their opponents with words, and the democrats beat back in kind.<sup>97</sup>

<sup>94</sup> While the Legislature was in Louisville, the House passed by a vote of forty-five to eight a resolution inviting "the ministers of the City of Louisville of every denomination 'who had not engaged in the unjust and unholy crusade against the late Governor Goebel to open the proceedings each day with prayer.'". *American Annual Cyclopaedia*, 1900, p. 327.

<sup>95</sup> Quoted in *American Annual Cyclopaedia*, 1900, p. 327. Also see *Ibid.*, 324, 326, 327.

<sup>96</sup> *Taylor and Marshall vs. Kentucky*, 178, *United States Reports*, 548. The Kentucky situation at this time was closely akin to the conditions in Rhode Island in 1841 and 1842, which gave rise to the suit in the United States Supreme Court decided in *Luther vs. Borden*, 7, Howard, 1. Also see *American Annual Cyclopaedia*, 1900, p. 323; J. G. Speed, "Supremacy of the Law" in *Harper's Weekly*, Vol. 44 (1900), p. 504.

<sup>97</sup> The republicans in convention on May 17, 1900, said: "We denounce the course of the Democratic majority in the last General Assembly from the hour when it

The democrats now determined to clear up the chaos as far as possible. The Legislature appropriated \$100,000 for reorganizing and equipping the state militia, and for recovering war supplies taken to London, and another \$100,000 for the apprehension and prosecution of those responsible for the assassination of Goebel.<sup>98</sup> Caleb Powers and others were soon arrested and a series of long-drawn-out trials followed, during which time Powers was tried four times. He was finally pardoned in 1908, by Augustus E. Willson, a republican governor.<sup>99</sup>

Taylor and others fled to Indiana, where they were safe from the Kentucky processes, as extradition was refused. In 1909, Governor Willson also pardoned them.<sup>100</sup> In 1904, the Legislature appropriated

adopted rules in defiance of right and the constitution, down to the final action by which it attempted to deprive Governor Taylor and Lieutenant-Governor Marshall of the high offices to which they had been elected at the polls." *American Annual Cyclopaedia*, 1900, p. 328. Governor Beckham on July 20, 1900, said: "We declare to the world that the mob and the assassin shall not be the arbitrators of the rights of the citizens of Kentucky, nor shall the penalty of an appeal to the law and the regularly constituted authorities be death at the hands of assassins. Law and order shall and must prevail in Kentucky." *Ibid.*, 329. The Democratic Convention, meeting in Lexington, at the same time said: "We present to the people of Kentucky an army of intimidation, unlawfully quartered in the public buildings of the state; a state senator, in the discharge of his duty to the state, stricken down by an assassin's bullet, fired from ambush in the executive building, then occupied by his political adversary, who hoped to profit by his death; that adversary arming, filling, and surrounding the buildings with armed men, instructed to defy the civil authorities and prevent search of the assassin; the same political adversary and republican pretender, by force, dissolving the Legislature, in violation of the Constitution; attempting by military power to force the Legislature to meet in a veritable slaughter pen for the democratic members; driving its members through the streets of Frankfort at the point of the bayonet, forcibly preventing the Legislature from meeting in its lawful and proper place; keeping armed riotous and disorderly men under the very window of the room where lay dying the assassin's victim; driving the Court of Appeals from the Capitol; aiding with the soldiery and spurious pardons those lawfully accused of capital crimes to flee from justice, and by military force defying the writ of habeas corpus; the same republican pretender fleeing from the state after indictment and remaining a fugitive from justice, protected by an open violation of the Constitution of the United States, after having declared to the people of the state, 'I am a citizen of this state and amenable to its laws. I am not a criminal, neither shall I ever be a fugitive from justice. Whenever indicted I shall appear for trial.'" *American Annual Cyclopaedia*, 1900, p. 329. Writing of the tense feeling, Samuel Hopkins Adams said: "How deeply the bitterness of the Goebel killing has entered into the daily life of Kentucky no outsider can fully realize. The animosities engendered by it have brought about literally scores of fatal quarrels. Business partnerships have been dissolved; churches have been disrupted; lifelong friendships have been withered; families have been split; there is no locality so remote, no circle so close knit, as to have escaped the evil influence." "The State of Kentucky vs. Caleb Power" on *McClure's Magazine*; Vol. 22 (1904), p. 466. William Lindsay summed up the situation thus: "In the estimation of the great mass of the people, neither side can defend or excuse its methods or escape its share of responsibility for the deplorable conditions brought about by the embittered and protracted controversy." *International Monthly*, I, 572.

<sup>98</sup> *American Annual Cyclopaedia*, 1900, 352, 327.

<sup>99</sup> *New International Year Book*, 1908, p. 395. Also see *American Annual Cyclopaedia*, 1901, pp. 703, 704; *New International Year Book*, 1907, p. 441; Caleb Powers, "My Own Story" in the *Reader Magazine*, Vol. 5, 265-277; 389-401, 513-524, 675-686. Samuel Hopkins Adams said of these trials, "From the first it was apparent that Powers was to be found guilty at any cost. A legal trial he might have; but a fair trial was beyond all hope. In the matter of Goebel's slaying there was no such thing as an impartial view in all the state. One might as well have expected a judicial attitude of mind from the factions in a feud. For at that time, Kentucky was one great political feud. Had conditions been reversed, had the state government, and had Powers been tried under republican auspices, there would have been no better chance of justice. No republican court would ever have convicted Caleb Powers, though his hands had been red with Goebel's blood. An equitable consideration of the case was impossible." *McClure's Magazine*, Vol. 22, p. 469. Powers was later elected to Congress. *New International Year Book*, 1910, p. 401.

<sup>100</sup> *New International Year Book*, 1909, p. 405. In refusing extradition in 1900, the Indiana governor said, "I do not believe a fair and impartial trial can or will



\$20,000 for the erection of a statue to Goebel, which today stands at the entrance of the new capitol.<sup>101</sup>

Beckham had succeeded to the unexpired term of Goebel. Before two years had passed, a new election was called, which took place in November, 1900. As the "Goebel Election Law," which had been so potent a disturber heretofore, was still on the statute books, Beckham, who had been nominated by the democrats, called for its repeal in order that "the most hypercritical can find no excuse for charging fraud or unfairness to our party in the conduct of the election." He said further, "I do not believe the present law in its operation to have been unfair or unjust, and I know it to have been passed with the earnest and honest intention to remedy the evils which existed under the system which it supplanted." He called a special session of the Legislature to meet in the latter part of August to enact a new law.<sup>102</sup> In the election in November, Beckham carried the state by about 8,000 majority over the republicans and in the next regular election won by about 27,000. The democrats also continued their large majorities in both houses of the Legislature. Beckham's term of office, following the dark and troublesome days, was a period of constructive achievements—an attempt to leave behind in every respect the past unpleasantness.<sup>103</sup>

The tendency of a certain element of the people to chafe at restraint which it considered could not be justly borne has led from one species of lawlessness to another. During Governor Bradley's administration, and beginning particularly about 1896, raids were carried out against numerous toll-roads, resulting in the destruction of the toll-gates and houses. Warnings were frequently issued against the collection of further tolls. The toll-roads were the property of private companies, much of whose stock was, however, owned by the state. As a method of checking this summary way of dealing with the question, a law was passed making it possible for the county to issue bonds to buy the roads, whenever 15 per cent of the people should call for an election in which the bonds should be voted. This law seemed to have little effect, unless, indeed, it was to stimulate further violence; for the more destruction was carried out the cheaper the roads could be bought. By 1898, the state's stocks in the toll roads had depreciated in value from \$400,000 to about \$100,000. Governor Bradley sought to stamp out the trouble by offering \$200 reward each for the apprehension of the raiders. As one kind of lawlessness easily leads to another, the toll-road raiders, in the words of Governor Bradley, "have undertaken to regulate the quantity of tobacco the farmers should cultivate, destroying his plants if he

at this time be given Mr. Taylor. When Judge Cantrill, of the trial court at Frankfort, declares that he would not subject a sheep-killing dog to a trial under such circumstances as exist, may I not justly refuse to send Mr. Taylor back to be subjected to a trial with this prejudice intensified and fanned into hate?" *American Annual Cyclopaedia*, 1900, p. 325. In refusing to deliver over the fugitives in 1901, the Indiana governor said he would not force them "before a court partizan to the very extreme of vindictiveness and a jury organized for conviction in its personnel and impartialment." *Ibid.*, 1901, p. 694.

<sup>101</sup> The statue was unveiled in 1914. *Acts of Kentucky*, 1914, p. 528. Samuel Hopkins Adams said of Goebel, "Goebel became personally the object of such hatred as no man of his time has inspired; perhaps, too, of a more unquestioning loyalty than any member of his party had yet drawn to himself." *McClure's Magazine*, Vol. 22, p. 467. C. P. Connally said of him, "Goebel, who was the pioneer progressive of the South \* \* \* he was the pioneer of railroad rate regulation in the country \* \* \* was the most maligned and misunderstood character in American history. He fought his way bitterly through prejudices strong enough to deter most men, and waged war against the old aristocracy of Kentucky and the Louisville and Nashville Railroad ring at the same time." "Beckham of Kentucky" in *Harper's Weekly*, Vol. 59, p. 35.

<sup>102</sup> *American Annual Cyclopaedia*, 1900, pp. 328, 329.

<sup>103</sup> C. P. Connally, "Beckham of Kentucky," in *Harper's Weekly*, Vol. 59, pp. 35, 36; *American Annual Cyclopaedia*, 1900, p. 329; 1901, p. 704.

dared to disobey; have notified the miller that he should charge no more for flour than the price fixed by them; threatened with the shot-gun and the torch farmers who had posted their lands if the boards were not taken down and they allowed to hunt without hindrance."<sup>104</sup> The proclivities of certain sections of the state to engage in feuds, picturesque though deadly, are well known.<sup>105</sup>

Another species of lawlessness which beset certain parts of the state beginning about 1904 had its origin in economic conditions. The price of tobacco was unsatisfactory to the growers, who believed that certain so-called tobacco trusts were manipulating the market and running the price down. Going on the principle that the best way to fight the Devil is to use his own methods, a large number of planters in burley regions of the southwestern part of the state, organized in 1904 the Planters' Protective Association for the purpose of pooling the tobacco and holding it for a set price. Trouble soon began when it was found that all of the planters could not be induced to join, as success depended on the cooperation of all. Night riding was taken up as a weapon against the so-called "Hill billies" who refused to join the association. Armed bands of men in the darkness of night harried the country, scraping tobacco beds, pulling up the young plants, burning tobacco barns, killing cattle, and shooting into houses. As the trust attempted to checkmate the night-riders, a serious condition arose. These riders now seeking vengeance on a larger scale, began to burn and pillage towns and villages, where the trust owned factories and warehouses. A large tobacco factory was burned in Trenton, in Todd County, in December, 1905; less than a month later a tobacco building was dynamited in Elkton, in the same county; Princeton, the capital of Caldwell County, was raided on Thanksgiving night, 1906, by 300 armed men, who seized the telephone, telegraph, police, and fire department, picketed the town, and burned two large factories, one reputed to be "the biggest and best equipped stemmery in the world." The same band a little later attempted to burn Hopkinsville but were frustrated by the mayor. A year later 500 armed men rode into this town, took possession of the fire-house, and proceeded to set fire to the tobacco factories. Besides three factories, other buildings were consumed, two men wounded, and in all \$200,000 worth of property destroyed.<sup>106</sup>

Great excitement now prevailed; on January 7, 1908, the governor offered \$500 reward for the apprehension of the riders; and a little later the Law and Order League of Hopkinsville and Christian County memorialized the Legislature for aid, at the same time setting forth the dreadful state of affairs. Governor Willson called upon the Legislature

<sup>104</sup> *American Annual Cyclopaedia*, 1897, p. 437. Also see *Ibid.*, 1896, pp. 375, 377; 1898, p. 365.

<sup>105</sup> For a chronicle of some of the most important of these feuds, see *American Annual Cyclopaedia*, 1878, p. 473; 1880, p. 425; 1887, pp. 410, 411, 463, 464; 1888, p. 463; 1889, p. 486; 1890, p. 474; 1899, p. 408; *New International Year Book*, 1910, p. 401; H. Davis and G. Smyth, "The Land of Feuds" in *Munsey's Magazine*, Vol. 30 (November, 1903), pp. 161-172; S. S. McClintock, "The Kentucky Mountains and their Feuds" in *American Journal of Sociology*, Vol. 7 (1901), pp. 1-28, 171-187; J. Stoddard Johnston, "Romance and Tragedy of Kentucky Feuds" in *Cosmopolitan*, Vol. 27 (1899), pp. 551-558; *Acts of Kentucky*, 1887, pp. 218, 219; 1890, I, 187. For various phases of the question and characteristics of the Eastern Mountaineers, see Grace F. Ryan, "The Highlands of Kentucky" in *Outlook*, Vol. 58 (1898), pp. 363-368; George E. Vincent, "A Retarded Frontier" in *American Journal of Sociology*, Vol. 4 (1898), pp. 1-20; B. H. Schockel, "Changing Conditions in the Kentucky Mountains" in *Scientific Monthly*, Vol. 3 (1916), pp. 105-131; W. G. Frost, "The Southern Mountaineer" in *American Review of Reviews*, Vol. 21 (1900), pp. 303-311.

<sup>106</sup> Martha McCulloch-Williams, "The Tobacco War in Kentucky" in *American Review of Reviews*, Vol. 37 (1908), pp. 168-170. International complications were threatened on account of the destruction of about \$15,000 worth of property belonging to Italian citizens.

to pass laws against night-riding and urged the appropriation of \$25,000 to aid in prosecuting such lawlessness; he also placed Calloway County under martial law. He said, "Our tobacco is nearly destroyed; large customers are being taught that it is safer and better to buy elsewhere. Large crops remain unsold. In large districts the law has been wholly overthrown, and the poor people, who have no one to take care of them, are deprived of the protection of the people's law, and have lost their liberty and are helpless." In October, 1908, he called upon the law-abiding citizens in their respective localities to assemble and "take strong, prompt and effective measures to punish every cowardly scoundrel who rides the roads to threaten his neighbors." By the end of the year, an agreement had been brought about between the tobacco organizations and the trusts, and the worst aspects of night-riding gradually died out. A law was also passed legalizing the pooling of tobacco and providing for the punishment of those who having once agreed to pool should break their promise. For the next few years, numerous arrests were made of those charged with night-riding, and some were convicted and either fined or sent to prison.<sup>107</sup>

Lawless as the methods of the night-riders were, they succeeded in accomplishing much of what they set out to do. In the southwestern part of the state, the growers' association pooled 32 per cent of the crop in 1906, and 70 per cent in 1907—making in all about 200,000,000 pounds held for 15 cents a pound. In 1909 the acreage had been increased over the preceding year from 240,000 to 420,000 and the value of the crop from \$17,779,600 to \$37,174,200. One observer in speaking of the results following from an increase in the price of tobacco, said, "The towns show it faintly—in the country he who runs may read. New-painted houses, fields in good heart and tilth, miles on miles of new wire fences, rubber-tired traps drawn by spanking teams, most of all the good roads pushing out fanwise to reach the remote regions, and the netted telephone wires over which if they choose the back-country folks can hear the big world breathe, all tell the same story. Bank deposits have quadrupled, the money circulation well-nigh doubled. Mortgages have shrunk beyond the convenience of investors, and land-values so increased that the country-side is in danger of growing purse-proud."<sup>108</sup>

While Kentucky has had lynchings, as indeed most of the states of the Union have, there is a strong and wholesome sentiment against it.<sup>109</sup>

Within recent years the democrats and republicans have been of almost equal strength, with a close struggle sure in every election. In 1907 the latter came back into power again with A. E. Willson elected governor by 18,000 majority over the democratic candidate. Bradley was also elected to the United States Senate over Beckham after a long contest and by a close vote.<sup>110</sup> Four years later (1911) the democrats

<sup>107</sup> *New International Year Book*, 1910, p. 401; 1915, p. 357. In 1910 eight residents of Grant County were convicted in the Federal Court of violating the Sherman Anti-Trust Law and were fined from \$100 to \$1,000. Also see *Ibid.*, 1907, p. 441; 1908, p. 394; "Kentucky's Anarchists" in *Independent* (Editorial), Vol. 64 (March 19, 1908), pp. 645, 646; *The Speeches, Addresses, and Writings of Cassius M. Clay, Jr.* (New York, 1914), pp. 125-136, 139 passim.

<sup>108</sup> McCulloch-Williams, "The Tobacco War in Kentucky," in *American Review of Reviews*, Vol. 37, p. 170. Also see *New International Year Book*, 1907, p. 778; 1909, p. 404.

<sup>109</sup> Governor Stanley in 1917 won national applause when he rushed by special train to the scene of an attempted lynching, and quieted the mob at great personal danger. *Ibid.*, 1917, p. 393.

<sup>110</sup> Bradley was the only republican up to this time who had been elected to both the governorship and the United States senatorship. For an appreciation of his character and ability, see address delivered at his death by Senator Ollie James in the United States Senate in *William O'Connell Bradley Memorial Address*, 64 Cong., 2 Sess., Sen. Doc. No. 649. See also *New International Year Book*, 1907, p. 442; 1908, p. 393; *Harper's Weekly*, Vol. 59, p. 36.

came back into power, when James B. McCreary, who had been governor in 1875 to 1879, was elected again, by over 30,000 votes over Judge E. C. O'Rear. A democratic Legislature sent Ollie M. James to the United States Senate. In the election of 1914 the democrats maintained their hold on the state by electing Johnson N. Camden to the United States Senate for the remainder of the term made vacant by the death of Senator Bradley, and Beckham won the long term over Willson. This marked the first popular election of United States Senators, as the Seventeenth Amendment had been ratified in the previous year.<sup>111</sup> In 1915, A. O. Stanley defeated E. P. Morrow for governor, by only a few hundred votes, and three years later won over B. L. Bruner for the United States Senatorship to begin on March 4, 1919. The vacancy created by the death of Senator James in 1918, was filled by Governor Stanley in the appointment of George B. Martin. In 1919, the republicans came back into power by the election of E. P. Morrow as governor. In the presidential elections Kentucky has cast its vote for the democratic candidates since 1896.<sup>112</sup> Both the elections of 1916 and 1920 were hotly contested, with much aid being given by both national party organizations. In the former campaign, Hughes spoke twice in the state and Roosevelt once. In 1920, Cox made a strenuous fight for Kentucky both in support for the nomination and in the election and was able to carry the state in both instances. But in the senatorial contest Richard P. Ernst was finally able to nose out a victory over J. C. W. Beckham.

In the Great war, which the United States entered in 1917, Kentuckians maintained their enviable record as a fighting people. Almost 100,000 entered the different branches of the service, and 3,000 gave up their lives. Four thousand were wounded in battle. Kentucky entered loyally and energetically into every activity designed to win the war. A "Work or Fight" law was soon passed, and inability to get work was accepted as no defense. War drives of every kind and the various Liberty Loans were well taken care of and the state need never blush at the record it made in the greatest war of all time.

<sup>111</sup> *New International Year Book*, 1914, p. 399; 1911, p. 383. Over 2,000 voters in the eastern counties of the state were charged with bribery in this election, and in the Circuit Court of Pikeville, eleven were convicted, fined \$100 each, and disfranchised. *Ibid.*, 1915, p. 357.

<sup>112</sup> The votes for the different elections are as follows: In 1900, Bryan, 234,899, McKinley, 226,801; in 1904, Parker, 217,170, Roosevelt, 205,277; in 1908, Bryan, 244,092, Taft, 235,711; in 1912, Wilson, 219,584, Taft, 115,512, Roosevelt, 102,766; in 1916, Wilson, 269,990, Hughes, 241,854, and in 1920, Cox, 456,497, Harding, 452,480.

## CHAPTER LXVII

### GEOLOGY OF KENTUCKY

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#### I GENERAL SURVEY

*Present Surface of Kentucky; Its Age and History.*—Kentucky is a part of a very old land surface. That portion of it lying east of the Tennessee River came up out of the sea virtually for the last time at the close of the period once known as Lower Carboniferous, but now called Mississippian. Since then it has oscillated considerably in level, having been worn down nearly to sea level by the beginning of the coal-making period for the eastern United States. During this period, which is called Pennsylvanian, it underwent aggradation by river sedimentation and wash from neighboring higher lands. There may also have been brief incursions of a shallow sea.

Since the close of Pennsylvania time, commonly estimated at from 10,000,000 to 20,000,000 years ago—according to J. Barrell (1917) from 215,000,000 to 285,000,000 years ago—the surface of Kentucky has been exposed to continued action of the weathering and denuding agencies, with the result that it has become overlaid with a deep covering of residual soil. This is thicker in the limestone regions, where the rocks decompose with great rapidity, causing the soil material to form more rapidly than it can be removed by rain and stream erosion; and thinner in the sandstone regions, where the rock is more resistant to weathering and where the products of disintegration tend to wash away about as quickly as they form.

That portion of Kentucky which lies west of the Tennessee River, or the "Purchase Region" as it is commonly called, from the nature of its acquisition by the state, was not finally raised above sea level until late geologic time (Tertiary period), but remained for at least a portion of post-Mississippian time (late Cretaceous and Tertiary periods) as the head of an embayment extending northward from an ancient Gulf of Mexico, and received estuarine deposits.

Very little of the state felt the effects of glaciation, only a narrow strip along the Ohio River from Campbell to Trimble counties having deposits ascribed to such agency. These consist of an imperfectly consolidated dust deposit called *loess*, with which are mingled pebbles and occasional boulders of northern origin. Glacial out-wash deposits are also recognizable along the Ohio River, particularly in Jefferson County.

*Character of the Bed Rock.*—The rocks of Kentucky belong to the stratified and igneous series. The igneous rocks are of very limited extent in areal outcrop. They are of the very basic variety known as *peridotite*, which constitutes the dikes of Elliott and Crittenden counties—the former in the northeastern and the latter in the southwestern portion of the state.

The stratified rocks consist of the usual sedimentary sandstones, shales and limestones, which make up the consolidated members of that series, along with some that are unconsolidated.

The sandstones, or the siliceous rocks, vary in color and texture. Classified according to their *texture*, they may be *fine grained*—such as *freestones* and *Siliceous mudstones*, or *coarse grained*—such as *grits* and *quartz-pebble-conglomerates*. The latter are known as *hailstone grits*, *pudding stones*, or simply as *conglomerates*.

The shales are the argillaceous rocks which show a marked cleavage parallel to the bedding. These vary in color from light to dark, the former often being called soapstones and the latter slates. The dark color is due to incorporated carbonaceous or bituminous matter. The term "slate" is inappropriately applied, as the rocks so called have never been metamorphosed, and they lack the hardness and durability of true slates.

The limestones are those rocks composed largely of carbonate of lime. They exist in great variety, and may be classified in a number of ways: In accordance with *composition* they are pure and impure, Magnesian, ferruginous, siliceous, etc. As regards *color*, they are light, dark, blue, gray and yellow limestones. According to *texture*, they are fine grained, coarse grained, crystalline, non-crystalline, etc. In accordance with their *chief fossil content*, we have crinoidal, coral, bryozoal, brachiopodal and molluscan limestones. Chert is an impure flint which frequently accompanies limestone in the form of nodules and layers, or has resulted from the decay of siliceous limestones and is then found in the soil.

Besides the foregoing older and more consolidated sediments, there are the imperfectly consolidated forms known as sand gravels, clays, loams, silts and loess. Loess is a fine grained buff colored clay-like deposit, the origin of which is in dispute. It is generally considered to owe its deposition in its present position mainly to the action of wind.

*Origin of Present Topography.*—The variety of topography in the state is due more to the different degrees of resistance which the various rock formations offer to the eroding agents than to stages of development that have been reached in the erosion cycle; though certain physiographic features may be best explained as an inheritance from past base-level conditions.

*Influence of Structure on Areal Geology.*—The present areal geology of Kentucky is largely controlled by a broad low arch, the *Cincinnati Anticline*, or, as some prefer to call it because of its great extent, the *Cincinnati "Geanticline."* This arch stretches north and south across the central portion of the state and rises to a culminating point in Jessamine County, giving to this portion of it the name *Jessamine Dome*. The average dips of the strata on the flanks of this broad earth flexure are quite gentle, ranging from 10 to 15 feet per mile near the crest to 25 to 50, or even 75 feet, further down the slopes; and hence they are not detected by the eye. However, this arching and doming of the strata have so invited erosion that nearly complete truncation has taken place, exposing strata on the surface of the dome which are the oldest in the state, because they are formed in the sea before their bowing up, and so became deeply buried underneath later formed sediments.

Westward the strata sink in a broad syncline to their lowest level underneath the Kentucky-Indiana-Illinois Coal Field, the axis of the syncline extending from northeast to southwest near the middle of this. An examination of a geological map, showing the concentric arrangement of the formations from Champlainian to Pennsylvanian inclusive in the order of their age from the Jessamine Dome outward as a center, strongly suggests that the Pennsylvanian once covered all or nearly all

of the state; that this and the other formations back to the Champlainian first wore through on the Jessamine Dome to the next one below, and then had their series of areal outcrop retreat outward in enlarging circles like fairy rings in the grass. The outer circle finally became broken into two separate areas or patches—the Eastern and Western Coal Fields.

TABLE OF GEOLOGICAL FORMATIONS FOR NORTH AMERICA

Groups (Eras)	Systems (Periods)
Cenozoic	Quaternary
	Tertiary
	Cretaceous
Mesozoic	Comanchian
	Jurassic
	Triassic
	Wanting
	in
	Kentucky
	Permian
	Pennsylvanian
	Mississippian
Paleozoic	Devonian
	Silurian
	Ordovician
	Cambrian
Proterozoic	Keweenawan
	Animikean
	Deeply
	buried
	in
	Kentucky
	Algoman
Archeozoic	Temiskamian
	Laurentian
	Loganian

TABLE OF GEOLOGICAL FORMATIONS FOR KENTUCKY

GROUP	SYSTEM	SERIES	STAGE
Cenozoic	Quaternary		Recent
	Tertiary		Pleistocene
			Pliocene
			Eocene
Mesozoic	Cretaceous		Ripley
			Tuscaloosa
	Pennsylvanian	Monongahela	
		Conemaugh	
		Allegheny	
		Pottsville	
		Tennessean	Chester
			Ste. Genevieve
			St. Louis
	Mississippian		Warsaw
			Logan
		Waverlian	Cuyahoga
			Kinderhook
Paleozoic		Senecan	Genesee (Ohio Shale)
	Devonian	Erian	Hamilton
			Onondaga
			Louisville and Waldron
	Silurian	Niagaran	Alger and Osgood
			Indian Fields
		Oswegan	Brassfield
			Richmond
	Ordovician	Cincinnatian	Maysville
			Eden
			Cynthiana
			Trenton (Lexington)
		Champlainian	Highbridge

## II

## AREAL GEOLOGY AND PHYSIOGRAPHIC REGIONS

*The Stratigraphic Series Represented in Kentucky.*—As will readily be seen by an examination of the two foregoing tables not all the geological formations known are represented by outcrops in the state. The series begins with a portion of the lower Ordovician, the formations earlier than this being buried beneath the surface. The next underlying formation—the Cambrian—has been struck in deep well drilling located along the crest of the anticline, or not too far down on the flanks. The deepest of these wells, the one located at Nicholasville, reached a depth of 3,160 feet. It passed through the Knox dolomite, in part Ordovician and in part Cambrian, and reached about 150 feet into a shale, which, from fragments of certain trilobites brought up in the sand pump, has been identified as Nolichucky, an undoubted Cambrian division.

The Permian, Triassic, Jurassic and Comanchian are entirely unrepresented in Kentucky by deposits, because during these periods this portion of the Mississippi Valley was entirely above the sea and suffered loss by erosion instead of addition by sedimentation. Also during late Silurian and early Devonian time the region lying along the Cincinnati anticline was above the sea and suffered erosion. For this reason the Silurian and Devonian formations in Kentucky are relatively thin. A similar erosional explanation accounts for the thinness of upper Mississippian in Northeastern Kentucky, and of the Cretaceous and Tertiary in the extreme western portion of the state.

*The Bluegrass Ordovician Area.*—The Ordovician rocks are exposed mainly in the north-central portion of the state, where they occupy an area of about eight thousand square miles. Narrow outcrops of this formation also occur along the Cumberland River in the southern part. On account of the prevalence of limestones in this formation, and these generally phosphatic, the soils formed from its decay are relatively of high fertility. Bluegrass, if not indigenous, at least found here a soil especially congenial for its growth and rapidly carpeted the fields and woodland as fast as they became cleared of its natural wild growth (cane and wild rye), so that at an early date the name "Bluegrass Region" became the name by which it was generally known.<sup>1</sup> It is also known as the "Burley Tobacco District" from the variety of tobacco which is so extensively cultivated throughout the area. This variety originated in Brown County, Ohio, which lies in that small portion of the Bluegrass extending north of the Ohio River

<sup>1</sup> Filson in his history enumerates as the natural growth of the "Elkhorn District" (name by which the Inner Bluegrass Region was then known), wild rye, clover and cane, but makes no mention of the bluegrass. Christopher Gist, who preceded Filson, visiting northern Kentucky and southwestern Ohio in 1751, makes no mention of this grass as found in Kentucky, but he noted its presence in the Miami Valley. Gilbert Imlay, in his trip from Limestone (now Maysville) to Lexington, an account of which appeared in his "Travels," published in London in 1892, noted the change for the worse in the character of the soil and country in crossing Johnson Creek, and again for the better in crossing Hinkston Creek. We now recognize these changes as due to the passage from the Maysville to the Eden outcrops in the first instance, and from the Eden outcrop to that of the Trenton, in the second instance.

The first attempt to give a geological explanation of the natural fertility of the "Elkhorn tract," was by J. Corra de Serra in the transactions of the American Philosophical Society in 1818. He there suggests that the accumulation of vegetable material, which in the mountains of eastern Kentucky by being covered by deposits of other strata was formed into coal, also at one time extended over this "Elkhorn tract," but never having been covered by later deposits, decomposed, thus furnishing to the soil of this region the ingredients which made it so remarkably fertile.—A perfectly absurd explanation.

J. E. Worchester, in the same year in his Gazetteer of the United States refers to this region as the "Garden of the State."



All parts of the Bluegrass are not equally fertile. The central portion, that bedded upon the Trenton (Lexington) and Cynthiana formations, are known to the pioneers as the "Elkhorn District," possesses a soil especially rich in phosphorus and enjoys therefore a reputation for fertility unsurpassed by any other soil in the world. Besides the crops for which the Bluegrass region as a whole is celebrated, it is especially adapted to the growth of hemp. As characteristic native trees of this region are the burr oak (*Quercus macrocarpa*) and the chinquapin oak (*Quercus muhlenbergii*). Wild cherry, white ash, hackberry, walnut and the Kentucky coffee tree are also prevalent. It is the only portion of the Bluegrass which possesses any mineral wealth other than its soil. It is traversed by numerous veins of barite and several of calcite and fluorine, all of which have been exploited to some extent. Also there are to be found in some places deposits of phosphate rock rich enough to be developed, as at Wallace in Woodford County. The region occupies an area of about two thousand four hundred square miles and is included mainly in the counties central about Lexington enumerated as follows: Fayette, Bourbon, Clark (eastern portion), Jessamine, Boyle (northern portion), Mercer (eastern portion), Anderson (eastern portion), Woodford, Franklin (eastern portion), Scott (southern portion) and Harrison (southern portion).

Surrounding this region is a belt of relatively poor shale land—that of the Eden formation—comprising about two thousand five hundred square miles. This under the action of stream erosion has been cut into steep slopes presenting a rough topography which the removal of the native forest growth and subsequent cultivation has intensified. Bereft of its protective covering of timber or grass, winter rains and freezing and thawing cause the soil to slip down the slopes into the narrow valleys, leaving behind yellow gullied hillsides strewn with thin slabs of limestone which were originally intercalated with the shale.

Beech is a conspicuous element of the original timber growth of this region. Sassafras, persimmon and hickory also thrive well upon it.

The main body of this Eden shale belt is comprised in a circle of counties enumerated as follows: Grant, Harrison, Pendleton, Robertson, Nicholas, Montgomery, Clark, Madison, Garrard, Boyle, Mercer, Anderson, Shelby, Franklin, Henry and Owen.

Besides the main area of the Eden traced as above, there are two conspicuous linear outliers of it—one stretching for about thirteen miles from near Great Crossings in Scott to near Camp Pleasant in Franklin County, and the other from Union Mills in Jessamine through Fayette to near Hutchison Station in Bourbon County. An attempt was made in the early days to explain the infertility of the soil along these narrow strips (not over one mile in width) in comparison with the high fertility of the soil on either side of them upon the hypothesis that they constituted old buffalo trails. We now know that they are remnants of the Eden that formerly covered all of what is now the Inner Blue Grass Region, and have been protected from removal by denudation as the result of being down faulted. They constitute fault block strips included mainly between parallel primary and secondary faults. Bluegrass flourishes well on Eden shale land and prevents its washing, so that it would appear desirable to devote it largely to stock raising.

The outer belt of the Bluegrass, comprising 3,200 square miles, is constituted by the outcrop of the Maysville and Richmond formations. These are more largely limestone than the Eden, and in consequence give rise to better soil. Indeed, the soil is but little inferior to that of the "Inner Blue Grass Region" bedded on the Trenton limestone, and like it is well adapted to hemp raising. The counties including this region are as follows: Boone, Campbell, Kenton, Grant (northern por-

tion), Bracken, Mason, Fleming (western portion), Bath (western portion), Montgomery (northern portion), Clark (eastern portion), Madison, Garrard, Lincoln, Boyle, Marion (northern portion), Washington, Nelson (northern portion), Spencer, Shelby (western portion), Henry (western portion), Owen (western portion), Carroll, and Gallatin.

*The Knobs Region.*—That portion of north central Kentucky, about five thousand six hundred square miles in extent, lying between the Bluegrass and the Muldrows Mississippian-Pennsylvanian escarpment is characterized by the presence of elevations extending to a height of 300 to 400 feet above the valley floors from which they rise. They are generally conical in shape and composed for the most part of a shale and sandstone formation known as the "Waverly." David Dale Owen, the first state geologist of Kentucky, called the formation the "Knobstone." The valley floors from which the knobs rise and the belt of level land between them and the Bluegrass region are composed of the Silurian and Devonian formations. The Silurian and the lower portion of the Devonian is mainly magnesian limestone with some light colored shale. They give rise generally to soggy, tenacious soils, often referred to as "crawfishy." They are naturally poor, but can be vastly improved by drainage and fertilizers. Occasionally there are bodies of very fine land in this area, as at Indian Fields in Clark County. The geological reasons for this are not apparent. The Knobs themselves are agriculturally worthless, except for fruit culture. The Knobs belt may be described as lying within the circle of counties from Lewis on the northeast to Jefferson on the west. Enumerated in order they are as follows: Lewis, Rowan, eastern Fleming, eastern Bath, eastern Montgomery, western Menifee, Powell, eastern Clark, eastern Madison, Estill, southern Garrard, Rockcastle, southern Lincoln, Casey, southern Boyle, Marion, Nelson, Bullitt, and Jefferson.

The native timber growth inclines to be scrubby. Conspicuous elements of it are pine, chestnut, sweet gum, and a variety of oaks.

The Knobs, typically conical when composed exclusively of the Waverly formation, and flat topped when capped by the limestones of the upper Mississippian, or the basal conglomerate of the Coal measures (Pennsylvanian), are merely the detached outliers of the continuous outcrop of these formations, the inner edge of which retreating down the dip from the summit of the Jessamine dome, presents toward the Bluegrass a steep escarpment or *cuesta* known from early times in Kentucky as "Muldrow's Hill."<sup>2</sup>

This name is especially applicable to the stretch of the escarpment along the south side of the Bluegrass where it is capped by the limestones of the upper Mississippian. Northeastward from Rockcastle County a still higher formation, the basal conglomerate of the Coal Measures, surmounts and adds to the heights of the escarpment. The most imposing outliers of the plateau, of which the Muldrow escarpment is the edge, are those still capped with these higher formations. These flat topped elevations are generally known as "Pilot knobs," because from them can be obtained a fine view of the surrounding country. It was from one of these, situated on the boundary of Clark and Powell counties, that Daniel Boone is said to have first gazed out over the Bluegrass region.

As has been stated, the Knobs Region as a whole is naturally poor agricultural land. There are, however, instances which demonstrate that

<sup>2</sup> The earliest reference we have been able to find to this escarpment is in the account of his travels in Kentucky given by the younger Michaux (F. A.). In this account, published in London in 1805, he speaks of ascending "Mulder hill" and soon after entering the "Barrens." The point which he surmounted the escarpment was in the vicinity of New Haven along the line of the present Jackson Highway.

even these naturally poor lands can be made by wise and patient tillage to produce abundantly. Two of these are the lands of the Trappist Monks of Nelson County and those of the German colony, Ottemheim, of Lincoln County. These stand out as agricultural successes in striking contrast to what has resulted from the efforts of the native Kentuckians in this strip. Eking a scanty subsistence from the products of a primitive agriculture supplemented by what can be obtained from the sale of a few railroad ties or loads of tanbark hauled over miserable roads to the nearest railroad station, they are proverbially backward people, living in sight of the Bluegrass, yet electing to remain where the conditions are primitive. Of them it can be said that natural selection has operated to bring them into harmony with their environment. Contributory to this adjustment is heredity in some cases resulting in degeneracy through too close intermarriage of families having original mental, moral and physical defects. An illustration of such degeneracy is afforded by the Willoughby community of Southern Montgomery County, which has recently attracted the attention of geneticists.

Little mineral wealth has as yet been discovered in the Knobs region, though the outer border of it has, as in Estill County, recently yielded oil in quantity, and the Devonian black shale, from experiments lately carried on, promises to afford by distillation an abundant supply of this substance in the future. Should the expectations of those engaged in these experiments be realized, this region may one day become the most prosperous of any in the state, for the supply of the crude material is practically inexhaustible.

This region is also the one in which mineral waters of reputed medicinal properties are most abundant. These come mainly from the same black shale which has in it such large potential supplies of oil, and the springs affording them follow in the main pretty closely the outcrop of this formation. This outcrop may be approximately traced by the enumeration of summer resorts located at certain of these springs, as Esculapia, Fox, Olympia, Estill and Linnietta. The same line of springs follows the Knobs Region through Indiana, one of these, French Lick, having come to enjoy a national reputation. These springs are known from the chief ingredient as "sulphur," "iron," "alum" and "salt." In pioneer days the salt springs were known as "licks" and were resorted to by the early settlers for the purpose of shooting game which congregated there to lick the salt. The settlers also obtained from these licks salt for their own use by the evaporation of the water. Especially celebrated among the "salt works" in this Knobs region were those of Bullitt and Lewis counties.

Some iron smelting was also done in the early days in this portion of Bullitt and Nelson counties, the ore being obtained from "iron-stone kidneys" in the Waverly formation. Also at the same time, as well as earlier and later, iron smelting was carried on in the eastern portion of this strip in the Kentucky, Red and Licking River drainage systems. Of these the oldest one, the Slate Creek in Bath County, built in 1794, derived its ore from a rich deposit of Onondaga limestone ore in the neighborhood, known later as the "Preston Ore Banks." The others, though for the most part located in the valleys along the Waverly outcrop, derived their supply from an ore found lying on top of the upper Mississippian limestone in erosion hollows there which had been recently exposed by the removal of the basal conglomerate of the Coal Measures.

*Southern and Southwestern Lower Carboniferous Plateau.*—This region, occupying a total area of 8,000 square miles, includes, with the exception of the Western Coal Field all that portion of the state lying south of the Knobs west of the Eastern Kentucky Mountains and east

of the Tennessee River. It corresponds pretty well to the region popularly known as the "Pennyville." It has an altitude of from 1,000 to 1,200 feet along its northern edge, where it presents in Muldrow's Hill a steep escarpment toward the Bluegrass. South and west from this escarpment the general level falls to 800 feet and in the extreme western portion to 600 feet above the sea. The geological formations exposed in this region belong to the Mississippian (Lower Carboniferous of earlier geological literature), the three main divisions of which—in ascending order Waverly, Cavernous (Mammoth Cave) limestone, and Chester—present marked lithological contrasts.

The Waverly forms the surface rock over the middle portion of the plateau, where it covers the saddle of the Cincinnati Anticline between the Jessamine (Kentucky) and Rutherford (Tennessee) domes. It is included mainly in southern Boyle and Lincoln, and in Casey, Taylor, Green, Adair, Russell, Cumberland, Monroe, Barren, Allen and western Rockcastle, Pulaski, Wayne and Clinton counties. While progressively more calcareous toward the south, this formation as a whole having at the top in that region a limestone—the Warsaw, is always quite siliceous and gives rise to relatively poor soils low in phosphorus. In general the topography is quite hilly. No railroads cross it and only two penetrate it. These latter are branches of the Louisville and Nashville system, the one extending southwestward from Lebanon in Marion County to Greensburg in Green, and the other northeastward from Gallatin, Tennessee, to Scottsville in Allen County. It is a region of poor country roads, until recently only two pikes, and these toll, penetrating it. Slow in appreciating the value of good roads, it has also been backward in its agriculture, despite the fact that this had been its chief industry. Timber and petroleum are also important products. Much of the agricultural produce of the region is shipped out by way of the Cumberland River.

The Mammoth Cave Limestone consists of two members—in ascending order the St. Louis and the Ste. Genevieve. The former is a compact and fine grained, the latter is mainly oolitic. Both are quite pure and readily soluble in ground water, so that they have become honeycombed by underground passages forming large caverns. The most extensive connected series of these yet discovered is estimated to total 150 miles and constitutes Mammoth Cave.<sup>3</sup>

<sup>3</sup> Mammoth Cave, while reported to have been discovered by a Mr. Hutchins in 1809 as the result of his chasing a bear into it, was certainly known as early as 1799, for in that year a tract comprising 200 acres, where the cave is now located was patented to Valentine Simmons, and in this patent are mentioned "two salt-peter caves." We now know there were originally two entrances to Mammoth Cave, one of which has since fallen in. This explains the reference to two caves. The earliest reference to the cave as "Mammoth Cave" appears in a deed of this 200-acre tract from Flatt to McLain in 1812, the consideration of the transfer being forty dollars. At this time and as late as 1825 this region was a part of Warren County, and the record of this deed is therefore at Bowling Green (Deed Book Number 6, page 49).

In the early part of the last century and especially during the War of 1812, there was a big demand for saltpeter (potassium nitrate) for the manufacture of gun powder; and the caves of Kentucky were much exploited for the nitrous earth they contained. Chief among these was Mammoth Cave, leased for that purpose by Hyman Gratz of the Gratz firm of Philadelphia and Charles Wilkins, his partner from Lexington. It was this working of the cave for saltpeter which disclosed its great size and led to the featuring of it as a scenic wonder after its importance as the source of this natural economic product had declined.

The first account of the cave written of it solely as a natural wonder appears to have been in the form of a letter contributed from Louisville, July 5, 1814, to the Medical Repository, Volume 17, of the same year. The reputed author of this letter is Hyman Gratz.

The first use of the word "mammoth" (originally written "mammut" or "maimon," and applied in Siberia to an extinct species of elephant) in the adjective sense of "large," appears to have been in reference to this cave. That it had not as late as the early part of the 19th century come to have this meaning in

Its entrance is on Green River in Edmonson County. Here, as elsewhere in this region where the caves are especially large, it has been noted that the cavernous limestone is covered with the Cypress sandstone of the Chester series. It is evident that this sandstone has protected from destruction by denudation the underlying ramifying cavernous passages. Further up the dip slope from the outcrop of the Cypress sandstone, where the cavernous limestone stripped of its protective covering has been subjected to the denuding agencies for a longer period, many of these cavernous spaces have been unroofed and exposed to the sky, constituting "sinks." This sink hole or "karst" topography is characteristic of the outcrop of the Mammoth Cave limestone. It is a region of underground drainage. Only the master streams, such as the Big Barren and the Green Rivers, and some of their larger tributaries which traverse it, are exposed today. It is a region where the uplands suffer especially from drought. It would appear that some time antedating settlement of this region by white men the timber on this tract on the western flank of the Cincinnati anticline had disappeared—possibly by forest fires during an exceptionally dry period—and had been converted into a prairie covered by tall grasses. This region was known to the pioneers as the "Barrens."<sup>4</sup> It was included, as is the outcrop of the Mammoth Cave Limestone now on the western flank of the Cincinnati Arch, in the counties of Breckinridge, Hardin, Hart, Barren, Warren, Simpson, Logan, Todd, Christian, Trigg, and Caldwell.

On the east flank of the Cincinnati anticline there is another belt of Mammoth Cave outcrop, widest in Clinton and Wayne counties and narrowing northeastward along the margin of the Eastern Kentucky Coal field, as the formation becomes thinner. Before reaching the Ohio River it becomes inconstant in thickness and frequently disappears entirely. It is everywhere cavernous, even as far north as Carter County containing caves, which in the early day furnished saltpeter and later became celebrated as scenic resorts.

The Chester, where typically developed as a belt five to ten miles wide around the Western Coal Field, is composed of an alternating series of beds of sandstones, limestone and shales (some eight or ten in all), the limestones being quite fossiliferous and sometimes oolitic in texture. The most characteristic fossils of the formation are the bud crinoid, *Pentremites*, and the screw bryozoan *Archimedes*; hence the name "Pentremital limestone," or "Archimedes limestone," for these beds.

The predominance of sandstones and shales in this formation results in its outcrop being marked by a belt of poor soils.

England is evident from letters written by James Flint, an English traveler, in America, between 1818 and 1820 and published in England. In one of these letters we find Mr. Flint referring to "The great cave in Kentucky called Mammoth Cave," although why was not apparent to him because he says "none of the remains of that animal have been found in it." Evidently this figurative use of the term was then too much of an Americanism for an Englishman to understand.

<sup>4</sup> The place of the Barrens was first indicated on a map of what is now the eastern United States and Canada, published in Amsterdam, Holland, in 1721, by John Sinex. It was there indicated as the "place where the Illinois hunt cows." This map is evidently a reproduction of an earlier map in which the legends are in French. On the French map the word rendered "Cows" appears as "beufs." The idea intended to be conveyed in the French original is that here was a prairie on which the Illinois Indians hunted buffalo.

The earliest description of this region under the name "Barrens" is probably that by the younger Michaux (F. A.), who traversed it about 1802 through what is now Barren and Allen counties. He estimated this treeless region then to be sixty or seventy miles in extent, north and south and east and west. At this time and for a number of years later the region was sparsely settled on account of the prejudice the early pioneers had against settling in a region which they thought would not grow trees. Special acts were passed by Kentucky legislatures at this time to encourage settlement of this region. At present it is well wooded, possessed of a soil the best in that portion of the State, and thickly populated.

The line separating the outcrop of the Chester from that of the Mammoth Cave in the southern tier of counties in which both formations occur is drawn by connecting the county seats of Warren, Logan, Todd, Christian and Caldwell. South of this line in these counties the land is reasonably level and fertile; north of it the land is rough and non-agricultural. Much of it has never been cleared. The most persistent sandstone of the Chester—the Cypress, which occurs near the base—forms a rather conspicuous escarpment surrounding the Western Coal Field, usually at some distances from the margin of the latter. The outliers of this escarpment form knobs, which are wooded and prominent features of the landscape throughout this region. The Chester is even thinner than the Mammoth Cave along the eastern flank of the Cincinnati anticline. In general it loses its sandstones here and before reaching the Ohio River, except for the fossils that it carries, becomes indistinguishable from the latter formation.

*The Eastern Kentucky Coal Field or "Mountains."*—The mountain region of Kentucky, which stands out in such sharp contrast to the rest of the state, includes all that portion lying each of a much indented border stretching from opposite Portsmouth on the Ohio River to the Tennessee boundary where touched by the Wayne—Clinton County line. Geologically it is the Eastern Coal Field, the sandstones and shales of which with their included coals cover 10,450 square miles. Physiographically it is a maturely stream dissected plateau—the Cumberland Plateau—the restored even surface of which would rise from an altitude of 1,000 feet above sea level at the Ohio River to 2,000 feet above the same datum plane at the Tennessee line, and is surmounted in the southeast by two structural mountain ranges—the Pine and the Cumberland—with a non-structural group of elevations—the Black Mountains—between them. Some portions of the Pine Mountain Range, which is an overthrust fault scarp, reach an elevation of nearly 3,500 feet, and those of the Black Mountains about 4,000 feet. It is only to the Pine and Cumberland Mountains, the latter forming a part of the boundary between Kentucky and Virginia, that the term "range" can be properly applied. The other elevations in this region are merely winding ridges forming the narrow water sheds between streams.

Of the four divisions of the Pennsylvanian, or Coal Measures, in Pennsylvania the lower three are represented in Eastern Kentucky. These in ascending order are the Pottsville, Alleghany and Conemaugh. The division not represented in Kentucky is the Monongahela.

The lower portion of the Pottsville in Kentucky is characterized by massive quartz conglomerates or pudding stones. Because basal in position the synclinal character of the Eastern Coal Fields causes these conglomerates to outcrop along the western and the southeastern border, and they are also brought up into a prominent scarp along the summit and western face of the Pine Mountain Range. Wherever they come to the surface they have been carved by erosion into very rugged topography. They constitute regions of picturesque scenery abounding in bold headlands and isolated "pilot knobs"; in boulder filled stream gorges, rapids and water falls; in cirques with overhanging walls ("rockhouses") and in natural bridges.

These conglomerate outcrops carry a typical mountain flora. The ridges with scant soil are covered with a forest growth of pine and chestnut and an undergrowth of huckleberry. The trailing arbutus covers the brows of the cliffs, and the laurel ("ivy" of the mountaineer) roots itself in the crevices of the bare faces of the cliffs themselves. In the deep, moist hollows below the rhododendron ("laurel" of the mountaineer) flourishes, and from these hollows the hemlocks-(spruce pines) send up close to the cliff walls their long, straight shafts. It is the home

of numerous rattlesnakes and an occasional bear. It is a region of sparse settlement, where the one-room log cabin is a frequent type of dwelling, more so even than in the remoter sections of the mountains and where the inhabitant thereof lives in most primitive fashion. For moonshining the country is ideal, and to the poor mountaineer not to turn his scanty corn crop into more profitable potable form in this way would seem like a waste of golden opportunities.

The lower or conglomeritic portion of the Pottsville, where it comes across the river from Ohio, is only about sixty feet thick and contains no workable coal. In being traced southwestward along the outcrop this member thickens, consists of a number of alternating beds of sandstone and shale, with at least two beds of conglomerate, and contains workable beds of coal. Midway across the state in Lee County the total thickness of this member is 400 feet, and it there contains one workable seam—the Beattyville. Near the Tennessee it has thickened to about 750 feet and contains three workable seams. The lower two of these are now mined at Sterns, McCreary County.

In the upper part of the Pottsville are two very persistent coal seams. The lower one of these, named by Owen, the first state geologist of Kentucky, the "Number One," lies only a short distance above the uppermost conglomerate bed. Another seam, usually identified as Number Four in the same system of numbering, carried a thin layer of a peculiar flint fire clay as a parting in it, and is therefore known as the "fire clay coal." Both of these seams extend in outcrop entirely across Eastern Kentucky from northeast to southwest. As the Pottsville thickens toward the Pine Mountain a number of seams of coal come in that are not found in the outcrop of this formation along the western border. The Alleghany series, which next succeeds to the Pottsville, carries, at least in Northeastern Kentucky, about the same seams of coal that it does in Ohio and Pennsylvania. These number about five. The next division of the Pennsylvanian—the Conemaugh—has a rather limited exposure in Eastern Kentucky, being found mainly along the lower Big Sandy in Lawrence and Boyd counties. It carries workable coal.

*Relation of Rugged Topography to Human Progress.*—A maturely dissected plateau is a region unfavorable for agriculture. Such a plateau is Eastern Kentucky. The strata which compose this plateau are sandstones and shales, material out of which naturally good soils cannot be made. The region is one of great mineral wealth in the form of coal, but the physiographic obstacles, especially those of the western border strip, offered to the building of railroads into it have retarded the development of this form of wealth. Contributory to this under development of the resources of the region in mineral and timber has been its wretched land grant and boundary system inherited from the mother state—Virginia. Not having been covered by the Government range-township-section system of land survey—because this system was instituted after this region became the part of a state—boundaries of farms and mineral and timber tracts are indefinite, and land titles in general are in a chaotic condition.

Isolation, therefore, combined with hard conditions for gaining sustenance, has resulted in a backward condition of the inhabitants. The Eastern Kentucky Mountains have remained a backwoods, where linger primitive methods and customs. Here live, as has been said, "our contemporaneous ancestors." In spite of some recent rapid progress made in the attempt to develop the natural resources of the region by extending into it railroads, which have brought the people into contact with the outside world and its supposed ameliorating influences—one of which is the mail-order house catalog, serving as material in convenient form for papering the walls of houses—there are still considerable areas where

no reaper, nor mower, nor cultivator other than a single "bull-tongue plow," has been seen; where the women still card wool and spin and weave, and in washing clothes still "battle" them with a stick at the spring or stream; and where "lawlessness," as the outside world regards it, is prevalent—law there being considered largely as "just a neighborly agreement." Hence, though the mountain counties had all voted "dry," even before the Volstead Act, the moonshiner and bootlegger continue to ply their trade there with little molestation by the local authorities, and the feud still lingers as a means of redressing private wrongs. The pistol duel and the shooting from ambush, with the potent causes—moonshine whiskey and the carrying of concealed weapons—which generally lead up to it, while publicly and by statute condemned, are still in effect condoned; as is evidenced by the euphemistic title "killing" being applied to what in the majority of cases is downright murder; and by the visitation upon it of a less, or at least no greater, punishment than that for the crime of theft, which is usually summarily dealt with.

These people, however, have their compensating virtues. They are intensely loyal, having been strongly Union in sentiment during the Civil war, and in the recent war leading the rest of the state in voluntary enlistments. Hospitality is universal, the life and property and personal welfare of the "stranger within their gates" being considered sacred. Theft is almost unknown, and, as indicated above, is promptly and severely punished. The advance of civilization—for with the building of railroads into this region the old order is passing—has therefore some drawbacks, and we confess sympathy for the feelings of the noted feudist, who, while not opposing the movement for developing the resources of the country, expressed naively the fear that this would ultimately result in bringing into his community a "bad class of people."

*Political History.*—The Eastern Kentucky Mountains have been strongly republican since the Civil war, in contrast with the Bluegrass counties, which in the same period have been just as strongly democratic. An explanation of this must be sought primarily in the physiographic differences between the two regions, which at the outbreak of the war determined that the one would be Northern and the other Southern in its sympathies.

It was Nathaniel S. Shaler who first commented upon these differences and, finding an explanation of them ultimately in the geological history of the state, uttered his celebrated aphorism, "There is such a thing as the geological distribution of politics." The reasoning of Professor Shaler, by which in his "History of Kentucky" he traced these connections, is somewhat as follows: The dwellers on Bluegrass Ordovician limestone land, with its deep, rich soil suitable for cultivation in large plantations by slave labor, were naturally pro-slavery in their sentiments. The dwellers on the Carboniferous sandstone land of the mountains, with its thin soils, not suitable for cultivation on a large scale by slave labor, were generally anti-slavery, or at least had no particular motive in fighting for the perpetuation of that institution. Therefore, during the Civil war, when it came to voting Kentucky in or out of the Union, "the dwellers on the limestone formation gave heavy pro-slavery majorities, while those living on the poorer sandstone soils were generally anti-slavery." The majority of the people of the state—its yeomanry—lived on poorer land, which thus became the deciding factor in preventing the withdrawal of the state from the Union. Professor Shaler also goes on to speculate upon some of the political "might-have-beens" had the geological history of the state been different. A higher arching up of the Cincinnati Anticline would by the greater ensuing erosion have exposed more Ordovician-Bluegrass-pro-slavery land, and correspondingly reduced in area the Coal-Measure-anti-slavery land.



This might have given, when it came to the voting during the Civil war, a majority on the side of withdrawing Kentucky from the Union. One more state added to the Southern cause might have made the difference between failure and success. The South might have won and we might now have two countries here instead of one; and for it all *geology* would be primarily responsible.

Miss Ellen Semple, in her "American History and Its Geographic Conditions," while recognizing the force of Professor Shaler's reasoning, does not make the result hang entirely on a conflict of sordid self-interest. Agreeing that "mountain economy found no place for the negro or plantation cultivation in these sterile hillside farms, pathless forests and roadless valleys," she states in addition that the region possessed "in contrast to the aristocratic social organization of the planter community, the democratic spirit characteristic of all mountain peoples, and likewise their conservatism, which holds to the established order."

*The Western Coal Field.*—This district, with an area of 4,600 square miles, has a maximum upland elevation of about 700 feet above sea level. Most of it lies between the 500- and 600-foot contours, while there are considerable tracts in the vicinity of the Ohio along the northern border and along Green River, which traverses the field through its middle part, where the land lies between the 400- and 500-foot contours.

The higher levels present a mature topography. The lower are quite flat, being areas of alluviation. The uplands are covered with an indifferent soil. The lowlands, when drained, are fertile. Taking the district as a whole, it is much superior agriculturally to the Eastern Kentucky Coal Field. This is because, though the soil of the uplands is similar in quality, being formed from the decay of sandstones and shales, it does not wash so badly, the slopes on which it lies, in keeping with the lower altitude of the region, being more gentle.

The stratigraphy of this field exhibits a general equivalence with that of the Eastern Field, with the addition at the top of the Monongahela, not represented in this latter field. The conglomeritic portion of the Pottsville in the Western Field is not so thick nor so continuous around the border as it is in the Eastern Field. It is unimportant as a bearer of commercial coal seams, containing workable coals at only a few points. One of these is the Nolin River coal.

The most valuable seams are in the Alleghany series, and it was here that Owen commenced numbering them, considering that the "Conglomerate Measures," even where they contained coal, were the "false coal measures." Of the seams numbered by Owen the numbers Nine and Eleven have proven themselves to be the most extensive and reliable, both as regards thickness and quality. They also possess the same characteristics in the adjacent states of Indiana and Illinois, where they are known from Illinois localities as the "Springfield" and "Herrin," respectively. In Kentucky they are mined most extensively in Hopkins, Webster and Muhlenberg counties, where they have been preserved from destruction by denudation as the result of down faulting in block faults.

*Former Connection of the Eastern and Western Coal Fields.*—Reference has already been made to the knobs capped with Chester sandstone (Cypress) which are scattered over the Lower Carboniferous plateau of Southern Kentucky. The loftiest of these—1,800 feet above sea level—is Green River Knob on the borders of Pulaski and Casey counties. It is capped by a basal sandstone of the Pennsylvanian, forming the highest detached elevation between the Eastern Kentucky Mountains and the Mississippi Embayment lowlands. From the summit of this knob on a clear day one may see plainly to the eastward the edge of the Cumberland Plateau and, dimly, about sixty-five miles distant along the horizon to the westward, the margin and outliers of the Western

Coal Field. The region between is studded here and there with knobs capped with a sandstone forming the base of the one on which he is standing. In this position, as remarked by Professor Shaler, it requires little imagination for the observer to restore over the intervening area this bed of sandstone, and on top of that the basal sandstone of the Coal Measures. In doing this he will realize that the Coal Measure areas, now separated, were once continuous, and he will also have gained some conception of the vastness of geologic time when he farther reflects that this removal, amounting in this instance to something like 2,000 feet of strata, has all been accomplished since the close of Upper Carboniferous (Pennsylvanian) time—and that, too, by the slow process of reduction to soil and removal by streams that is now accomplishing the levelling of the continents.

The pregnant conjecture of Professor Shaler has been amply confirmed by subsequent discovery. It was the good fortune of the writer, while making a survey of the counties of Green, Taylor and Adair, in 1908, to discover some of the evidence supporting this view. On the highest ridges of that group of counties, and especially along the borders of Larue, Taylor and Green, he found gravel waste of the basal Coal Measure Conglomerate and even some considerable area—the Larue-Taylor-Green County area—where the conglomerate, amounting to upward of fifty feet in thickness, was yet little disintegrated. It was this latter area that, lying at an elevation of between 1,000 and 1,100 feet, had been maturely dissected into a rugged topography resembling that of Eastern Kentucky. And, most interesting fact of all, though separated from the nearest portion of the Cumberland Plateau by some seventy or eighty miles, its similar physiography had so reacted upon the same pure Anglo-Saxon stock of the type which peopled Kentucky as to reproduce here similar sociological phenomena. It need awaken no surprise, therefore, in the traveler traversing this region by the winding ridge roads through a forest of oak and chestnut, from openings in which he may look to the right or left down into deep coves, in which are one-room log cabins surrounded by small clearings, to learn that now and then a wild turkey may be seen, that the wildcat is not unknown, the feud not uncommon, and the moonshiner not entirely extinct. It was while the writer was in this country that a man of this class—a noted desperado—was hunted down and shot to death in his own dooryard by an officer of the law, assisted by a posse of citizens. It would thus appear that Coal Measure strata, wherever they are sufficiently high to be cut into rugged topography, carry a moonshine and feud fauna.

*The Southwestern Cretaceous and Tertiary Embayment.*—The part of the present states of Tennessee and Kentucky west of the Tennessee River formerly belonged to the Chickasaw Indians. In 1818 this district was purchased by the National Government from the Indian owners, and in 1820 was added to these two states—the dividing line being the parallel of 36 degrees and 30 minutes. The two commissioners who negotiated the treaty with the Indians were Generals Shelby for Kentucky and Jackson for Tennessee. The name of Jackson, the more prominent statesman, has become popularly associated with the transaction, to the exclusion of Shelby's—hence the name "Jackson Purchase." The part allotted to Kentucky has an area of 4,600 square miles. It comprises all the Mississippi embayment region lying within the state.

Between the time Kentucky became a state and when this area was added, the Government land survey had been adopted, so this portion of the state was laid off in accordance with its range-township-section system. In consequence of this the farms in the region are rectangular, in contrast with those of irregular shape in other portions of the state.

The purchase region is one of low relief, the general level sloping

from 500 feet near the Tennessee River to about 350 feet near the Mississippi. The bottoms along the Ohio and Mississippi range between 300 and 350 feet above the sea. The surface of the uplands in general is level, being a recent geological addition by uplift of the bottom of a portion of the northern end of a former Gulf of Mexico. Beginning in the Cretaceous and lasting till the close of the Tertiary period, this gulf or embayment extended up the Mississippi Valley to and a little beyond the mouth of the Ohio. The deposits left in this region to a depth of several hundred feet consist of gravels, sands, clays and loams. They form in general a level surface highly adapted to agriculture, though on account of their unconsolidated character some of the beds wash badly, especially in the neighborhood of streams in the eastern part. Here in some places the land is quite broken by the development of recent gullies.

*Late Geologic Deposits Outside the Embayment Region.*—Some reference to these has already been made on pages one and two. Cretaceous, Tertiary, Quaternary and Recent deposits are not confined exclusively to the Jackson Purchase Region. Gravels of Tuscaloosa (Cretaceous) age have been detected in recent years covering the highest lands in Trigg County east of the Cumberland River. Lafayette gravels, sands and clays (Orange sand group of J. M. Safford) of Pliocene, or in some cases possibly of Pleistocene (Quaternary) age, extend up the larger stream systems which formerly entered this embayment. Here may belong the high level gravels found along the shoulders of the gorges of all the Kentucky rivers which were evidently deposited there before these gorges were cut. Of undoubted Pleistocene age are the loess deposits found in the vicinity of the Ohio River as far up as Cincinnati, the granitic and quartzite pebbles of northern origin found skirting the same river from Campbell to Trimble counties, and certain clays in similar situations extending further down the river below Trimble County. All of these are of undoubted glacial origin. The first is explained as a wind blown "Glacial rock flour," the second as "outwash glacial clays," and the third as typical glacial deposits laid down during the latest or Wisconsin stage of glaciation.

The recent deposits in the state consist of river alluvium, such as the present streams are now laying down. On the lower reaches of the larger streams, such as the Ohio and Mississippi, these are often quite extensive in area, extending back from the present channel in a series of rising bottoms, separated by sharp inclines or terraces.

## CHAPTER LXVIII

### AN HISTORICAL SKETCH OF THE KENTUCKY GEOLOGICAL SURVEY (1838-1922)

By Willard Rouse Jillson, Sc. D., Director and State Geologist

#### EARLY INVESTIGATIONS

Beginning with the exploratory surveys of Dr. Thomas Walker in 1750<sup>1</sup> and Christopher in 1751,<sup>1</sup> geological and mineral resource examinations in Kentucky have gone hand in hand with its settlement. The limestone—siderite iron ores of Bath County, and the adjacent coals of Eastern Kentucky had been discovered by the lone prospector and were in operation in 1790, two years before statehood. Petroleum was found in commercial quantity on the south fork of the Cumberland River, in what was Wayne County, in 1819.<sup>2</sup> At the same time the eccentric, though talented, naturalist, Constatin Schmaltz Rafinesque, who had recently came down from Philadelphia to take a chair in natural science at Transylvania University at Lexington, was engaged in making and publishing the first professional geological observations of Kentucky.

These and other widely separated geological investigations, the results of both professional and amateur observations, brought to a completion the first quarter of the nineteenth century. Lacking a recognized medium of publication, such sporadic and individualistic work failed for many years to arouse public interest in the geological and mineral resources of the state. It was not until February 16, 1838, that an official State Geological Survey was authorized by the Acts of the General Assembly of Kentucky. This was accomplished through the approval by Governor James Clark of the resolution of Senator Cyrus Wingate, representing the Twenty-eighth Senatorial District of Kentucky, including Franklin, Anderson and Owen counties.

#### THE MATHER AND OWEN SURVEYS

Governor Clark, in fulfillment of the statutes, appointed Dr. William Williams Mather as state geologist, who immediately set about a systematic state-wide survey. This was finished and the report, a pamphlet of forty pages, was presented to the Legislature in 1838. Although many recommendations concerning the development of the state resources were made by Doctor Mather, including "A Plan Suggested for Conducting the (proposed Kentucky Geological) Survey," no further action was taken on this matter until 1854, when a bill which had been prepared by Dr. Robert Peter, of Lexington, Kentucky, was approved on March 4. This bill was for a geological and mineralogical survey of the state, and Lazarus W. Powell, then governor, appointed Dr. David Dale Owen, of New Harmony, Indiana, state geologist of Kentucky.

<sup>1</sup> First Explorations of Kentucky. J. Stoddard Johnson, Filson Club, Louisville, 1898.

<sup>2</sup> Oil and Gas Resources of Kentucky, W. R. Jillson, Ky. Geol. Survey Series V., p. 2, 1919.

The Owen Survey, which is designated as the first in the literature, but was actually the second,<sup>3</sup> began to function immediately. Practically all of Owen's work was in the nature of original investigations and was carried on continually until 1857, when his assignment completed, Doctor Owen went to Arkansas to take up work there as state geologist of that state. His last manuscripts were left incomplete and, following his death in 1860, Dr. Robert Peter, state chemist, brought them to completion and took them through the printer. As an able assistant to Doctor Owen on this early survey and a large contributor to his printed (especially chemical reports), Doctor Peter's versatile services before the Legislature, in the laboratory and finally as the acting head of the organization, can never be overestimated. The published reports of the Owen survey, totaling 2012 pages, consist of four volumes. Doctor Owen was assisted by Dr. Robert M. Peter, chemist; Sidney S. Lyon, topographer; Leo Lesquereaux, paleobotanist, and Joseph Lesley, Jr., topographer.

#### THE SHALER AND PROCTER SURVEYS

During the Civil war the Kentucky Geological Survey ceased to function, but was reorganized on March 22, 1873, Governor Preston H. Leslie appointing Dr. Nathaniel Southgate Shaler, a native of Newport, Kentucky, and at that time professor of paleontology in the Lawrence Scientific School, of Harvard University, Cambridge, Massachusetts, director and state geologist. Doctor Shaler, who was well equipped mentally, though but poorly from a physical standpoint, undertook immediately the reorganization of the survey. A development and detailing of all the work already started by Owen, coupled with many new investigations, comprised the publications of the Shaler Survey, consisting of six volumes and totaling 2886 pages. Doctor Shaler has as his assistants the following:

Dr. Robert Peter, state chemist.

Dr. A. R. Crandall, geological assistant.

J. H. Talbutt, chemical assistant.

P. N. Moore, geological aid.

J. A. Monroe, C. W. Beckham and C. Schenk, assistants.

Later these were added to the survey:

C. J. Norwood, H. Herzer and W. M. Linney as geological assistants.

W. B. Caldwell as mineralogical assistant.

W. B. Page, W. C. Mitchell, E. Underwood and J. B. Hoeing, as topographical assistants.

A. C. Packard as ornithological assistant.

F. Sanborn as zoological assistant.

F. W. Putnam as ichthyological assistant.

L. Trouvelot as artist.

A. L. Jones and John Robert Procter as general assistants.

The Shaler Survey was terminated rather suddenly by an act of the Legislature in 1880, which passed a bill requiring the state geologist to live in Frankfort. Doctor Shaler resigned, preferring to remain as a teacher of geology at Harvard, and Governor Luke P. Blackburn appointed John Robert Procter director of the Kentucky Geological Survey and commissioner of the Bureau of Immigration, which latter bureau had been created and merged into the former. Mr. Procter, a native of Cedar Hill, Mason County, Kentucky, was an able organizer, but lacked the theoretical training in geology as equipment for his new position. He chose as his assistants the following:

Dr. Robert Peter, state chemist.

<sup>3</sup> History of the Kentucky Geological Survey, W. R. Jillson. Register, Ky. State Historical Soc., Vol. 19, No. 57, Sept., 1921, p. 112.

Dr. A. P. Crandall, William H. Linney, Dr. R. M. Loughridge, George M. Sullivan, Edward Orten and James M. Hodge, assistant geologists. Joseph B. Hoeing, cartographer and engineer. Charles J. Norwood, geological assistant. Charles Wickliffe Beckham, ornithologist.

During the duration of the Procter Survey, 1880-1892, nine bound volumes and a number of paper pamphlets were published, totaling about 3050 pages. Many of these reports were simply reprints of Doctor Shaler's publications, and did not represent original investigations. In 1893 Mr. Procter became somewhat entangled in a misunderstanding with Governor John Young Brown, which resulted in the abolishment of the Kentucky Geological Survey by legislative action.

#### THE NORWOOD AND HOEING SURVEYS

About the year 1900 the publications of the older geological surveys of Kentucky had become so thoroughly exhausted that it was regarded as necessary to reorganize the Kentucky Geological Survey. This was done by legislative action in 1904, the statutes giving the office of state geologist to the state inspector of mines, without additional salary. Prof. Charles Joseph Norwood, the then state inspector of mines, who was born in New Harmony, Indiana, September 17, 1853, thus became state geologist of the (Third) Kentucky Geological Survey. The publications of this survey, 1904-1912, constitute a series of bulletins from 1 to 21, with the exception of 8 and 15, which were never published. Added to these are two county reports, several reports of progress, the whole series totaling 2635 pages and representing for the most part original investigations. Professor Norwood selected to assist him the following:

Joseph B. Hoeing, Arthur M. Miller, F. M. Hutchison, James M. Hodge, William C. Morse, L. C. Glenn, August F. Foerste, W. F. Pate, Albert R. Crandall, James H. Gardner, Samuel A. Denny, F. Julius Fohs, William M. Nichols and Harry D. Eastman, assistant geologists.

A. M. Peter and James H. McHargue, chemists.

James E. Wright, mining assistant.

Moritz Fischer, geological assistant.

Robert H. Barclay, mining aide.

George V. Triplett, Jr., aide.

Curtis L. Jones, secretary.

W. U. Grider, assistant secretary.

Joseph G. Lewis and Joseph S. Shaw, topographic assistants.

R. E. Moorman, draftsman.

Oscar Krouil, Hargis Hill, Boyme M. Simm, H. Kevil and William V. Shelby, Jr., aides.

Chas. R. Gilmore, W. C. Payne and John Goff, geologic aides.

A growing demand from several parts of the state for a reorganization of the Kentucky Geological Survey resulted, in 1912, in the appointment by Governor James B. McCreary of Joseph Bernard Hoeing, who was born in Lexington, Kentucky, on March 27, 1855, as state geologist. The Hoeing (Fourth) Survey, which operated from 1912 to 1918, is responsible for the production of five separate volumes, each divided into two or more parts, and four miscellaneous volumes, all totaling 4280 pages, most of which represented new investigations. Mr. Hoeing was assisted by the following:

A. F. Crider, Arthur McQuiston Miller, August F. Foerste, F. Julius Fohs, James M. Hodge, J. Owen Bryant, Chas. Butts, W. C. Phalen, Wallace Lee, E. O. Ulrich, Iley B. Browning, Philip Russell, and Malcolm H. Crump, assistant geologists.

S. C. Jones, soil technologist.

Lucien N. Sellier, cartographer.  
A. M. Peter, chemist.  
H. D. Easton, clay technologist.

#### THE FIFTH AND SIXTH SURVEYS

The fifth geological survey in Kentucky was the result of legislative action on the part of the General Assembly in 1918, which combined the Kentucky Geological Survey and the Board of Forestry into the Department of Geology and Forestry. Governor A. O. Stanley appointed John Earle Barton, a native of Warren, Michigan, commissioner of geology and forestry and state forester, and Prof. Willard Rouse Jillson, of Lexington, Kentucky, deputy commissioner of geology and forestry and state geologist. The publications of the Department of Geology and Forestry, which existed for two years, from 1918 to 1920, total four volumes and three paper pamphlets, totaling in all 1567 pages. Professor Jillson had as his assistants the following:

Dr. Arthur M. Miller, A. M., Ph. D.; Chas. Butts and J. M. Hodge, assistant geologists.

The General Assembly of 1920 abolished the Department of Geology and Forestry and recreated the (Sixth) Kentucky Geological Survey. Governor Edwin P. Morrow, on April 1, 1920, appointed Dr. Willard Rouse Jillson director and state geologist of the new organization. The personnel of the present (Sixth) Kentucky Geological Survey during the past two years has been as follows:

Willard Rouse Jillson, Sc. D., director and state geologist.

Stuart Weller, Ph. D.; L. C. Glenn, Ph. D.; Charles H. Richardson, Ph. D.; Heinrich Ries, Ph. D.; Walter H. Bucher, Ph. D.; Chas. Butts, M. S.; L. W. Currier, M. A.; Floyd Hodson, A. B., and Stuart St. Clair, M. S., assistant geologists.

J. S. Hudnall, B. S.; Benjamin B. Cox, B. S.; John S. Carroll, A. B.; H. V. Tygrett, B. S., and R. A. Jones, B. S., geologic aides.

A. M. Peter, Sc. D., chemist.

C. S. Crouse, E. M., draftsman and metallurgist.

J. M. Frasure, secretary.

#### SUMMARY

The first substantial geological work in Kentucky was done by the Owen Survey from 1854 to 1860. The Shaler Survey (1873-1880) followed, with many original contributions. The Procter Survey (1880-1892) was not a particularly strong organization. The Norwood Survey, from 1904 to 1912, and the Hoeing Survey, from 1912 to 1918, did much to unravel the mineral resource geology of Kentucky. This was continued by the Department of Geology and Forestry, and is being prosecuted with vigor by the present (sixth) Kentucky Geological Survey. In the recent stupendous development of the mineral resources of Kentucky, the several Kentucky geological surveys have played a fundamentally important part. Figures covering the value of the production of coal, oil and fluorspar in Kentucky during the three years 1918-1920 total \$401,251,701. All of this new wealth may be traced back to the original investigations of the Kentucky Geological Survey. As in the past, the future mineralogical development of this commonwealth will be governed largely by the new scientific investigations of the Kentucky Geological Survey, which, if adequately maintained by the state, may be counted upon to point the way toward a great expansion and development of these basic industries of Kentucky.

## CHAPTER LXIX

### THE ADVENTURES OF COLONEL DANIEL BOONE

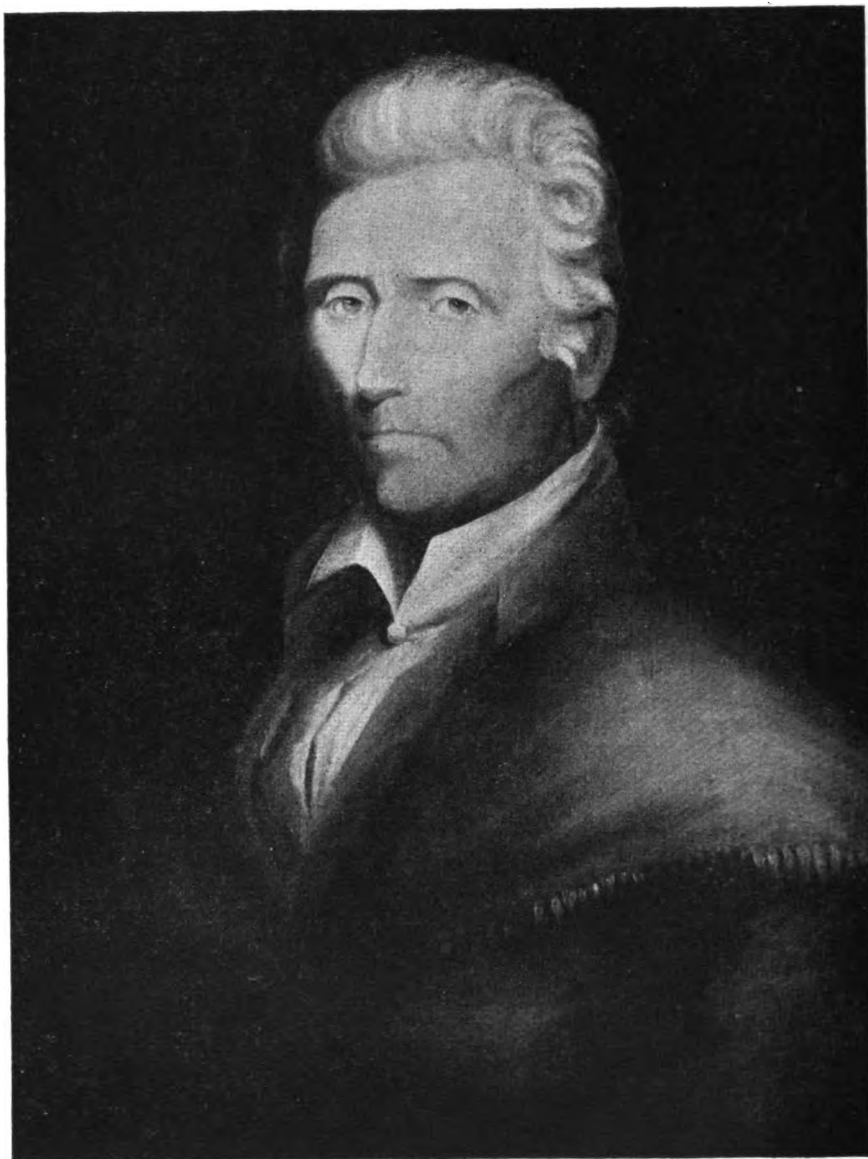
FORMERLY A HUNTER; CONTAINING A NARRATIVE OF THE WARS OF  
KENTUCKY

Curiosity is natural to the soul of man, and interesting objects have a powerful influence on our affections. Let these influencing powers actuate, by the permission or disposal of providence, from selfish or social views, yet in time the mysterious will of heaven is unfolded, and we behold our conduct, from whatsoever motives excited, operating to answer the important designs of heaven. Thus we behold Kentucky, lately a howling wilderness, the habitation of savages and wild beasts, become a fruitful field; this region, so favourably distinguished by nature, now become the habitation of civilization, at a period unparalleled in history, in the midst of a raging war, and under all the disadvantages of emigration to a country so remote from the inhabited parts of the continent. Here, where the hand of violence shed the blood of the innocent; where the horrid yells of savages, and the groans of the distressed, sounded in our ears, we now hear the praise and adorations of our Creator; where wretched wigwams stood, the miserable abodes of savages, we behold the foundations of cities laid, that, in all probability, will equal the glory of the greatest upon earth. And we view Kentucky situated on the fertile banks of the great Ohio, rising from obscurity to shine with splendour, equal to any other of the stars of the American hemisphere.

The settling of this region well deserves a place in history. Most of the memorable events I have myself been exercised in; and, for the satisfaction of the public, will briefly relate the circumstances of my adventures, and scenes of life, from my first movement to this country, until this day.

It was on the 1st of May, in the year 1769, that I resigned my domestic happiness for a time, and left my family and peaceable habitation on the Yadkin River, in North Carolina, to wander through the wilderness of America, in quest of the country of Kentucky, in company with John Finley, John Stewart, Joseph Holden, James Monay, and William Cool. We proceeded successfully; and after a long and fatiguing journey, through a mountainous wilderness, in a westward direction, on the seventh day of June following we found ourselves on Red River, where John Finley had formerly been trading with the Indians, and, from the top of an eminence, saw with pleasure the beautiful level of Kentucky. Here let me observe, that for some time we had experienced the most uncomfortable weather, as a prelibation of our future sufferings. At this place we encamped, and made a shelter to defend us from the inclement season, and began to hunt and reconnoitre the country. We found everywhere abundance of wild beasts of all sorts, through this vast forest. The buffalo were more frequent than I have seen cattle in the settlements, browsing on the leaves of the cane, or cropping the herbage on those extensive plains, fearless, because ignorant, of the violence of man. Sometimes we saw hundreds in a drove, and the numbers about the salt springs were amazing. In this

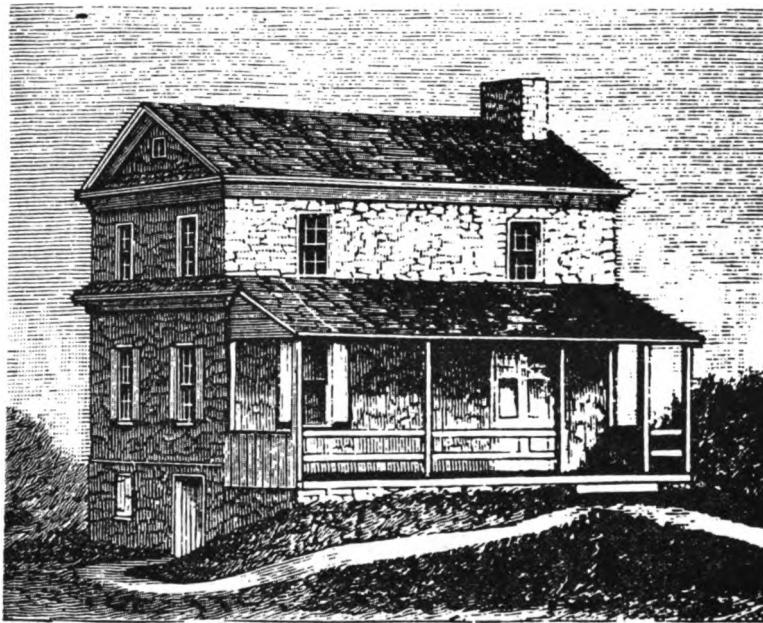




DANIEL BOONE  
(Courtesy of The Filson Club)

forest, the habitation of beast of every kind natural to America, we practiced hunting with great success, until the 22d day of December following.

This day John Stewart and I had a pleasing ramble, but fortune changed the scene in the close of it. We had passed through a great forest, on which stood myriads of trees, some gay with blossoms, others rich with fruits. Nature was here a series of wonders, and a fund of delight. Here she displayed her ingenuity and industry in a variety of flowers and fruits, beautifully coloured, elegantly shaped, and charmingly flavoured; and we were diverted with innumerable animals presenting themselves perpetually to our view. In the decline of the day, near Kentucky River, as we ascended the brow of a small hill, a number of Indians rushed out of a thick cane-brake upon us, and made us prisoners. The



BIRTHPLACE OF DANIEL BOONE

time of our sorrow was now arrived, and the scene fully opened. The Indians plundered us of what we had, and kept us in confinement seven days, treating us with common savage usage. During this time we discovered no uneasiness or desire to escape, which made them less suspicious of us; but in the dead of the night, as we lay in a thick cane-brake by a large fire, when sleep had locked up their senses, my situation not disposing me for rest, I touched my companion, and gently awoke him. We improved this favourable opportunity, and departed, leaving them to take their rest, and speedily directed our course towards our old camp, but found it plundered, and the company dispersed and gone home. About this time, my brother, Squire Boone, with another adventurer, who came to explore the country shortly after us, was wandering through the forest, determined to find me if possible, and accidentally found our camp. Notwithstanding the unfortunate circumstances of our company, and our dangerous situation, as surrounded with hostile savages, our meeting so fortunately in the wilderness, made us reciprocally sensible of the utmost satisfaction. So much does friendship triumph over mis-

fortune, that sorrows and sufferings vanish at the meeting not only of real friends, but of the most distant acquaintances, and substitute happiness in their room.

Soon after this, my companion in captivity, John Stewart, was killed by the savages and the man who came with my brother returned home by himself. We were then in a dangerous, helpless situation, exposed daily to perils and death, amongst savages and wild beasts, not a white man in the country but ourselves.

Thus situated, many hundred miles from our families, in the howling wilderness, I believe few would have equally enjoyed the happiness we experienced. I often observed to my brother, You see now how little nature requires to be satisfied. Felicity, the companion of content, is rather found in our own breasts than in the enjoyment of external things: and I firmly believe it requires but a little philosophy to make a man happy in whatsoever fate he is. This consists in a full resignation to the will of providence; and a resigned soul finds pleasure in a path strewed with briars and thorns.

We continued not in a state of indolence, but hunted every day, and prepared a little cottage to defend us from the winter storms. We remained there undisturbed during the winter; and on the first day of May, 1770, my brother returned home to the settlement by himself, for a new recruit of horses and ammunition, leaving me by myself without bread, salt, or sugar, without company of my fellow-creatures, or even a horse or dog. I confess I never before was under greater necessity of exercising philosophy and fortitude. A few days I passed uncomfortably. The idea of a beloved wife and family, and their anxiety upon the account of my absence and exposed situation, made sensible impressions on my heart. A thousand dreadful apprehensions presented themselves to my view, and would have undoubtedly disposed me to melancholy, if further indulged.

One day I undertook a tour through the country, and the diversity and beauties of nature I met with in this charming season, expelled every gloomy and vexatious thought. Just at the close of a day the gentle gales retired, and left the place to the disposal of a profound calm. Not a breeze shook the most tremulous leaf. I had gained the summit of a commanding ridge, and, looking round with astonishing delight, beheld the ample plains, the beauteous tracts below. On the other hand, I surveyed the famous river Ohio, that rolled in silent dignity, marking the western boundary of Kentucky with inconceivable grandeur. At a vast distance I beheld the mountains lift their venerable brows, and penetrate the clouds. All things were still. I kindled a fire near a fountain of sweet water, and feasted on the loin of a buck, which a few hours before I had killed. The sullen shades of night soon overspread the whole hemisphere, and the earth seemed to gasp after the hovering moisture. My roving excursion this day had fatigued my body, and diverted my imagination. I laid me down to sleep, and I awoke not until the sun had chased away the night. I continued this tour, and in a few days explored a considerable part of the country, each day equally pleased as the first. I returned again to my old camp, which was not disturbed in my absence. I did not confine my lodging to it, but often reposed in thick cane-brakes, to avoid the savages, who, I believe, often visited my camp, but fortunately for me, in my absence. In this situation I was constantly exposed to danger and death. How unhappy such a situation for a man tormented with fear, which is vain if no danger comes, and if it does, only augments the pain! It was my happiness to be destitute of this afflicting passion, with which I had the greatest reason to be affected. The prowling wolves diverted my nocturnal hours with perpetual howlings; and the various species of animals in this vast forest, in the day-time, were continually in my view.

Thus I was surrounded with plenty in the midst of want. I was happy in the midst of dangers and inconveniences. In such a diversity it was impossible I should be disposed to melancholy. No populous city, with all the varieties of commerce and stately structures, could afford so much pleasure to my mind, as the beauties of nature I found here.

Thus, through an uninterrupted scene of sylvan pleasures, I spent the time until the 27th day of July following, when my brother, to my great felicity, met me, according to appointment, at our old camp. Shortly after, we left this place, not thinking it safe to stay there longer, and proceeded to Cumberland River, reconnoitering that part of the country until March, 1771, and giving names to the different waters.

Soon after, I returned home to my family, with a determination to bring them as soon as possible to live in Kentucky, which I esteemed a second paradise, at the risk of my life and fortune.

I returned safe to my old habitation, and found my family in happy circumstances. I sold my farm on the Yadkin, and what goods we could not carry with us; and on the 25th day of September, 1773, bade a farewell to our friends, and proceeded on our journey to Kentucky, in company with five families more, and forty men, that joined us in Powel's Valley, which is 150 miles from the now settled parts, or Kentucky. This promising beginning was soon overcast with a cloud of adversity; for, upon the 10th day of October, the rear of our company was attacked by a number of Indians, who killed six, and wounded one man. Of these my eldest son was one that fell in the action. Though we defended ourselves, and repulsed the enemy, yet this unhappy affair scattered our cattle, brought us into extreme difficulty, and so discouraged the whole company, that we retreated forty miles, to the settlement on Clinch River. We had passed over two mountains, viz.: Powel's and Walden's, and were approaching Cumberland Mountain, when this adverse fortune overtook us. These mountains are in the wilderness, as we pass from the old settlements in Virginia to Kentucky, are ranged in a S. W. and N. E. direction, are of a great length and breadth, and not far distant from each other.<sup>1</sup> Over these nature has formed passes, that are less difficult than might be expected from a view of such huge piles. The aspect of these cliffs is so wild and horrid, that it is impossible to behold them without terror. The spectator is apt to imagine that nature had formerly suffered some violent convulsion; and that these are the dismembered remains of the dreadful shock; the ruins, not of Persepolis or Palmyra, but of the world!

I remained with my family on the Clinch until the 6th of June, 1774, when I and one Michael Stoner were solicited by Governor Dunmore, of Virginia, to go to the falls of the Ohio, to conduct into the settlement a number of surveyors that had been sent thither by him some months before; this country having about this time drawn the attention of many adventurers. We immediately complied with the governor's request, and conducted in the surveyors, completing a tour of 800 miles, through many difficulties, in sixty-two days.

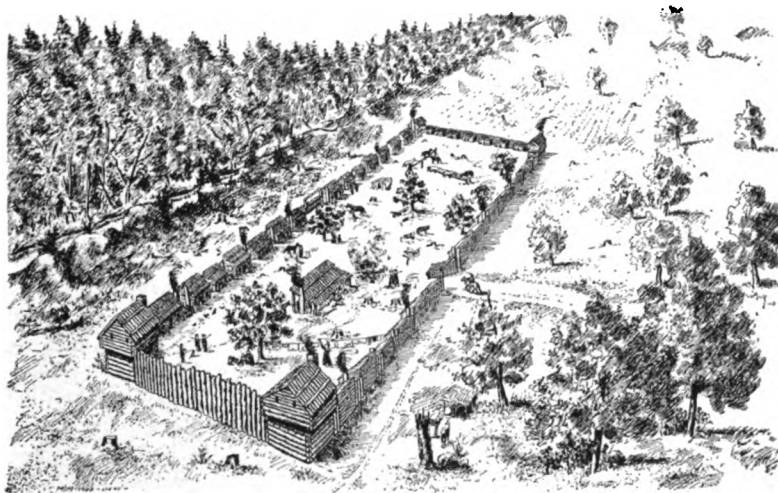
Soon after I returned home, I was ordered to take the command of three garrisons during the campaign, which Governor Dunmore carried on against the Shawanese Indians; after the conclusion of which, the militia was discharged from each garrison, and I, being relieved from my post, was solicited by a number of North Carolina gentlemen, that were about purchasing the lands lying on the south side of Kentucky River, from the Cherokee Indians, to attend their treaty at Wataga, in

<sup>1</sup> From the nature of the surface and interior contexture of this American part of our earth, the mountains, as we in our relative language call them, all run in ridges, with almost even tops in parallel lines; those to the west of Hudson's river north-east and south-west; those to the eastward of it nearly north and south; between which, in like parallel lines, run the great rivers.—Edit.

March, 1775, to negotiate with them, and mention the boundaries of the purchase. This I accepted; and, at the request of the same gentlemen, undertook to mark out a road in the best passage from the settlement through the wilderness to Kentucky, with such assistance as I thought necessary to employ for such an important undertaking.

I soon began this work, having collected a number of enterprising men, well armed. We proceeded with all possible expedition until we came within fifteen miles of where Boonsborough now stands, and where we were fired upon by a party of Indians that killed two, and wounded two of our number; yet, although surprised and taken at a disadvantage, we stood our ground. This was on the 20th of March, 1775. Three days after we were fired upon again, and had two men killed, and three wounded. Afterwards we proceeded on to Kentucky River without opposition; and on the first day of April began to erect the fort of Boonsborough at a salt lick, about sixty yards from the river, on the south side.

On the fourth day the Indians killed one of our men. We were



FORT BOONESBOROUGH •  
(Courtesy of The Filson Club)

busily employed in building this fort, until the 14th day of June following, without any further opposition from the Indians; and having finished the works, I returned to my family on Clinch.

In a short time I proceeded to remove my family from Clinch to this garrison, where we arrived safe without any other difficulties than such as are common to this passage; my wife and daughter being the first white women that ever stood on the banks of Kentucky River.

On the 24th day of December, following, we had one man killed, and one wounded, by the Indians, who seemed determined to persecute us for erecting this fortification.

On the 14th day of July, 1776, two of Colonel Calaway's daughters, and one of mine, were taken prisoners near the fort. I immediately pursued the Indians with only eight men, and on the 16th overtook them, killed two of the party, and recovered the girls. The same day on which this attempt was made, the Indians divided themselves into different parties, and attacked several forts, which were shortly before this time erected, doing a great deal of mischief. This was extremely distressing to the new settlers. The innocent husbandman was shot down, while busy in cultivating the soil of his family's supply. Most of the cattle

around the stations were destroyed. They continued their hostilities in this manner until the 15th of April, 1777, when they attacked Boonsborough with a party of about 100 in number, killed one man, and wounded four. Their loss in this attack was not certainly known to us.

On the 4th day of July following, a party of about 200 Indians attacked Boonsborough, killed one man, and wounded two. They besieged us forty-eight hours; during which time seven of them were killed, and, at last, finding themselves not likely to prevail, they raised the siege, and departed.

The Indians had dispersed their warriors in different parties at this time, and attacked the different garrisons, to prevent their assisting each other, and did much injury to the distressed inhabitants.

On the 19th day of this month, Colonel Logan's fort was besieged by a party of about 200 Indians. During this dreadful siege they did a great deal of mischief, distressed the garrison, in which were only fifteen men, killed two, and wounded one. The enemy's loss was uncertain, from the common practice which the Indians have of carrying off their dead in time of battle. Colonel Harrod's fort was then defended by only sixty-five men, and Boonsborough by twenty-two, there being no more forts or white men in the country, except at the falls, a considerable distance from these; and all taken collectively were but a handful to the numerous warriors that were everywhere dispersed through the country, intent upon doing all the mischief that savage barbarity could invent. Thus we passed through a scene of suffering that exceeds description.

On the 25th of this month, a reinforcement of forty-five men arrived from North Carolina, and about the 20th of August following, Colonel Bowman arrived with 100 men from Virginia. Now we began to strengthen, and from hence, for the space of six weeks, we had skirmishes with Indians, in one quarter or other, almost every day.

The savages now learned the superiority of the Long Knife, as they call the Virginians, by experience, being outgeneraled in almost every battle. Our affairs began to wear a new aspect, and the enemy, not daring to venture on open war, practiced secret mischief at times.

On the first day of January, 1778, I went with a party of thirty men to the Blue Licks, on Licking River, to make salt for the different garrisons in the country.

On the 7th day of February, as I was hunting to procure meat for the company, I met with a party of 102 Indians, and two Frenchmen, on their march against Boonsborough, that place being particularly the object of the enemy.

They pursued, and took me; and brought me on the 8th day to the licks, where twenty-seven of my party were, three of them having previously returned home with the salt. I, knowing it was impossible for them to escape, capitulated with the enemy, and, at a distance in their view, gave notice to my men of their situation, with orders not to resist, but surrender themselves captives.

The generous usage the Indians had promised before in my capitulation was afterwards fully complied with, and we proceeded with them as prisoners to Old Chelicothe, the principal Indian town on Little Miami, where we arrived, after an uncomfortable journey in very severe weather, on the 18th day of February, and received as good treatment as prisoners could expect from savages.—On the 10th day of March following, I and ten of my men were conducted by forty Indians to Detroit, where we arrived the 30th day, and were treated by Governor Hamilton, the British commander at that post, with great humanity.

During our travels, the Indians entertained me well, and their affection for me was so great, that they utterly refused to leave me there with the others, although the governor offered them 100 pounds sterling for

me, on purpose to give me a parole to go home. Several English gentlemen there, being sensible of my adverse fortune, and touched with human sympathy, generously offered a friendly supply for my wants, which I refused, with many thanks for their kindness: adding, that I never expected it would be in my power to recompense such unmerited generosity.

The Indians left my men in captivity with the British at Detroit, and on the 10th day of April brought me towards Old Chelicothe, where we arrived on the 25th day of the same month. This was a long and fatiguing march, through an exceeding fertile country, remarkable for fine springs and streams of water. At Chelicothe I spent my time as comfortably as I could expect; was adopted, according to their custom, into a family, where I became a son, and had a great share in the affection of my new parents, brothers, sisters, and friends. I was exceedingly familiar and friendly with them, always appearing as cheerful and satisfied as possible, and they put great confidence in me. I often went a hunting with them, and frequently gained their applause for my activity at our shooting-matches. I was careful not to exceed many of them in shooting; for no people are more envious than they in this sport. I could observe, in their countenances and gestures, the greatest expressions of joy when they exceeded me; and, when the reverse happened, of envy. The Shawanese king took great notice of me, and treated me with profound respect and entire friendship, often entrusting me to hunt at my liberty. I frequently returned with the spoils of the woods, and as often presented some of what I had taken to him, expressive of duty to my sovereign. My food and lodging were in common with them; not so good indeed as I could desire, but necessity made everything acceptable.

I now began to meditate and escape, and carefully avoided their suspicions, continuing with them at Old Chelicothe until the first day of June following, and then was taken by them to the salt springs on Scioto, and kept there, making salt, ten days. During this time I hunted some for them, and found the land, for a great extent about this river, to exceed the soil of Kentucky, if possible, and remarkably well watered.

When I returned to Chelicothe, alarmed to see 450 Indians, of their choicest warriors, painted and armed in a fearful manner, ready to march against Boonsborough, I determined to escape the first opportunity.

On the 16th, before sun-rise, I departed in the most secret manner, and arrived at Boonsborough on the 20th, after a journey of 160 miles; during which, I had but one meal.

I found our fortress in a bad state of defence; but we proceeded immediately to repair our flanks, strengthen our gates and posterns, and form double bastions, which we completed in ten days. In this time we daily expect the arrival of the Indian army; and at length, one of my fellow-prisoners, escaping from them, arrived, informing us that the enemy had, on account of my departure, postponed their expedition three weeks.—The Indians had spies out viewing our movements, and were greatly alarmed with our increase in number and fortifications. The grand councils of the nations were held frequently, and with more deliberation than usual. They evidently saw the approaching hour when the Long Knife would dispossess them of their desirable habitations; and, anxiously concerned for futurity, determined utterly to extirpate the whites out of Kentucky. We were not intimidated by their movements, but frequently gave them proofs of our courage.

About the first of August, I made an incursion into the Indian country, with a party of nineteen men, in order to surprise a small town up Scioto, called Paint-creek-town. We advanced within four miles thereof, where we met a party of thirty Indians on their march against Boonsborough, intending to join the others from Chelicothe. A smart

fight ensued betwixt us for some time: at length the savages gave way, and fled. We had no loss on our side; the enemy had one killed and two wounded. We took from them three horses, and all their baggage; and being informed, by two of our number that went to their town, that the Indians had entirely evacuated it, we proceeded no further, and returned with all possible expedition to assist our garrison against the other party. We passed by them on the sixth day, and on the seventh we arrived safe at Boonsborough.

On the eighth, the Indian Army arrived, being 444 in number, commanded by Captain Duquesne, eleven other Frenchmen, and some of their own chiefs, and marched up within view of our fort, with British and French colors flying; and having sent a summons to me, in his Britannic majesty's name, to surrender the fort, I requested two days consideration, which was granted.

It was now a critical period with us. We were a small number in the garrison—a powerful army before our walls, whose appearance proclaimed inevitable death, fearfully painted, and marking their footsteps with desolation. Death was preferable to captivity, and if taken by storm, we must inevitably be devoted to destruction. In this situation we concluded to maintain our garrison, if possible. We immediately proceeded to collect what we could of our horses and other cattle, and bring them through the posterns into the fort: and in the evening of the ninth, I returned answer, that we were determined to defend our fort while a man was living. "Now," said I to their commander, who stood attentively hearing my sentiments, "we laugh at all your formidable preparations: but thank you for giving us notice and time to provide for our defence. Your efforts will not prevail; for our gates shall forever deny you admittance." Whether this answer affected their courage, or not, I cannot tell; but, contrary to our expectations, they formed a scheme to deceive us, declaring it was their orders, from Governor Hamilton, to take us captives, and not to destroy us; but if nine of us would come out, and treat with them, they would immediately withdraw their forces from our walls, and return home, peaceably. This sounded grateful in our ears, and we agreed to the proposal.

We held the treaty within sixty yards of the garrison, on purpose to divert them from a breach of honor, as we could not avoid suspicions of the savages. In this situation the articles were formally agreed to, and signed; and the Indians told us it was customary with them, on such occasions, for two Indians to shake hands with every white man in the treaty, as an evidence of entire friendship. We agreed to this also, but were soon convinced their policy was to take us prisoners. They immediately grappled us; but although surrounded by hundreds of savages, we extricated ourselves from them, and escaped all safe into the garrison, except one that was wounded, through a heavy fire from their army. They immediately attacked us on every side, and a constant heavy fire ensued between us, day and night, for the space of nine days.

In this time the enemy began to undermine our fort, which was situated sixty yards from Kentucky River. They began at the water-mark, and proceeded in the bank some distance, which we understood by their making the water muddy with the clay; and we immediately proceeded to disappoint their design, by cutting a trench across their subterranean passage. The enemy discovering our counter-mine, by the clay we threw out of the fort, desisted from that stratagem; and experience now fully convincing them that neither their power nor policy could effect their purpose, on the 20th day of August they raised the siege, and departed.

During this siege, which threatened death in every form, we had



two men killed, and four wounded, besides a number of cattle. We killed of the enemy thirty-seven, and wounded a great number. After they were gone, we picked up 125 pounds weight of bullets, besides what stuck in the logs of our fort; which certainly is a great proof of their industry. Soon after this, I went into the settlement, and nothing worthy of a place in this account passed in my affairs for some time.

During my absence from Kentucky, Colonel Bowman carried on an expedition against the Shawanese, at Old Chelicothe, with 160 men, in July, 1779. Here they arrived undiscovered, and a battle ensued, which lasted until 10 o'clock A. M. when Colonel Bowman, finding he could not succeed at this time, retreated about thirty miles. The Indians, in the meantime, collecting all their forces, pursued and overtook him, when a smart fight continued near two hours, not to the advantage of Colonel Bowman's party.

Colonel Harrod proposed to mount a number of horses, and furiously to rush upon the savages, who at this time fought with remarkable fury. This desperate step had a happy effect, broke their line of battle, and the savages fled on all sides. In these two battles we had nine killed and one wounded. The enemy's loss uncertain, only two scalps being taken.

On the 22nd day of June, 1780, a large party of Indians and Canadians, about 600 in number, commanded by Colonel Bird, attacked Riddle's and Martin's stations, at the forks of Licking River, with six pieces of artillery. They carried this expedition so secretly, that the unwary inhabitants did not discover them, until they fired upon the forts; and, not being prepared to oppose them, were obliged to surrender themselves miserable captives to barbarous savages, who immediately after tomahawked one man and two women, and loaded all the others with heavy baggage, forcing them along toward their towns, able or unable to march. Such as were weak and faint by the way, they tomahawked. The tender women, and helpless children, fell victims to their cruelty. This, and the savage treatment they received afterwards, is shocking to humanity, and too barbarous to relate.

The hostile disposition of the savages, and their allies, caused General Clark, the commandant at the Falls of the Ohio, immediately to begin an expedition with his own regiment, and the armed force of the country, against Pecaway, the principal town of the Shawanese, on a branch of Great Miami, which he finished with great success, took seventeen scalps, and burnt the town to ashes, with the loss of seventeen men.

About this time I returned to Kentucky with my family; and here, to avoid an inquiry into my conduct, the reader being before informed of my bringing my family to Kentucky, I am under the necessity of informing him that, during my captivity, with the Indians, my wife, who despaired of ever seeing me again, expecting the Indians had put a period to my life, oppressed with the distresses of the country, and bereaved of me, her only happiness, had, before I returned, transported my family and goods, on horses, through the wilderness, amidst a multitude of dangers, to her father's house in North Carolina.

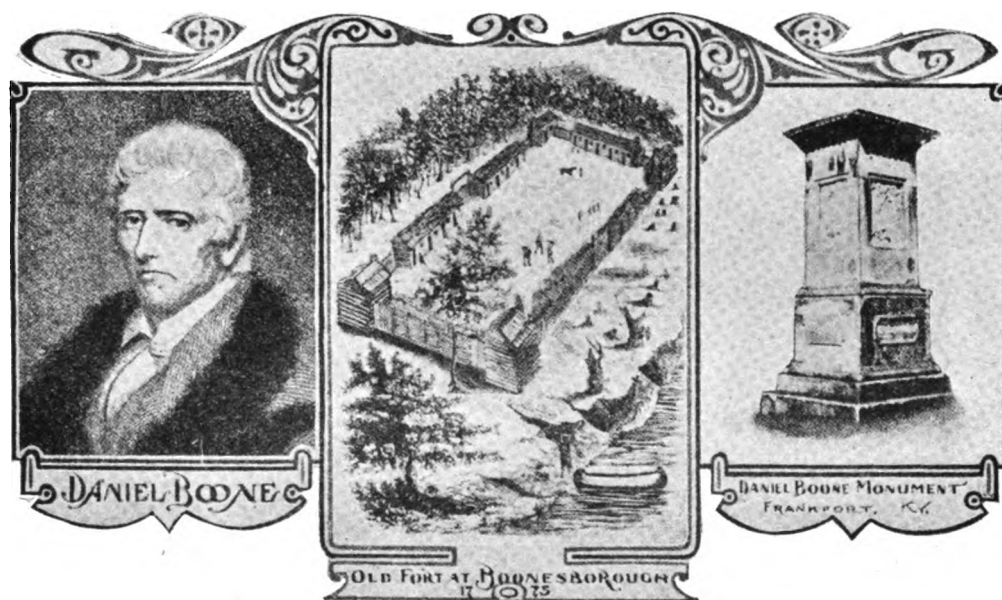
Shortly, after the troubles at Boonsborough, I went to them, and lived peaceably there until this time. The history of my going home, and returning with my family, forms a series of difficulties, an account of which would swell a volume, and being foreign to my purpose, I shall purposely omit them.

I settled my family in Boonsborough once more; and shortly after, on the 6th day of October, 1780, I went in company with my brother to the Blue Licks; and, on our return home, we were fired upon by a party of Indians. They shot him, and pursued me, by the scent of their dog, three miles; but I killed the dog, and escaped. The winter

soon came on, and was very severe, which confined the Indians to their wigwams.

The severity of this winter caused great difficulties in Kentucky. The enemy had destroyed most of the corn the summer before. This necessary article was scarce and dear; and the inhabitants lived chiefly on the flesh of buffalo. The circumstances of many were very lamentable: however, being a hardy race of people, and accustomed to difficulties and necessities, they were wonderfully supported through all their sufferings, until the ensuing autumn, when we received abundance from the fertile soil.

Towards spring, we were frequently harassed by Indians; and, in May, 1782, a party assaulted Ashton's Station, killed one man, and



DANIEL BOONE—OLD FORT—MONUMENT

took a negro prisoner. Captain Ashton, with twenty-five men, pursued, and overtook the savages, a smart fight ensued, which lasted two hours; but they being superior in number, obliged Captain Ashton's party to retreat, with the loss of eight killed, and four mortally wounded; their brave commander himself being numbered among the dead.

The Indians continued their hostilities; and, about the 10th of August following, two boys were taken from Major Hoy's Station. This party was pursued by Captain Holder and seventeen men, who were also defeated, with the loss of four men killed and one wounded. Our affairs became more and more alarming. Several stations which had lately been erected in the country were continually infested with savages, stealing their horses and killing the men at every opportunity. In a field near Lexington, an Indian shot a man, and running to scalp him, was himself shot from the fort, and fell dead upon his enemy.

Every day we experienced recent mischiefs. The barbarous savage nations of Shawanese, Cherokees, Wyandots, Tawas, Delawares, and several others near Detroit, united in a war against us and assembled their choicest warriors at Old Chelicothe to go on the expedition, in order to destroy us, and entirely depopulate the country. Their savage minds were inflamed to mischief by two abandoned men, Captains McKee

and Girty. These led them to execute every diabolical scheme; and on the 15th day of August, commanded a party of Indians and Canadians, of about 500 in number, against Briant's Station, five miles from Lexington. Without demanding a surrender, they furiously assaulted the garrison, which was happily prepared to oppose them; and after they had expended much ammunition in vain, and killed the cattle around the fort, not being likely to make themselves masters of this place, they raised the siege, and departed in the morning of the third day after they came, with the loss of about thirty killed, and the number of wounded uncertain. Of the garrison four were killed and three wounded.

On the eighteenth day Colonel Todd, Colonel Trigg, Major Harland, and myself, speedily collected 176 men, well armed, and pursued the savages. They had marched beyond the Blue Licks to a remarkable bend of the main fork of Licking River about forty-three miles from Lexington, where we overtook them on the nineteenth day. The savages observing us, gave way: and we, being ignorant of their numbers, passed the river. When the enemy saw our proceedings having greatly the advantage of us in situation, they formed the line of battle, from one bend of Licking to the other, about a mile from the Blue Licks. An exceeding fierce battle immediately began, for about fifteen minutes, when we, being overpowered by number, were obliged to retreat, with the loss of sixty-seven men, seven of whom were taken prisoners. The brave and much-lamented Colonels Todd and Trigg, Major Harland, and my second son, were among the dead. We were informed that the Indians, numbering their dead, found they had four killed more than we; and therefore, four of the prisoners they had taken were, by general consent, ordered to be killed, in a most barbarous manner, by the young warriors, in order to train them up to cruelty; and then they proceeded to their towns.

On our retreat we were met by Colonel Logan, hastening to join us, with a number of well-armed men. This powerful assistance we unfortunately wanted in the battle; for notwithstanding the enemy's superiority of numbers, they acknowledged that, if they had received one more fire from us, they should undoubtedly have given way. So valiantly did our small party fight, that, to the memory of those who unfortunately fell in the battle, enough of honor cannot be paid. Had Colonel Logan and his party been with us, it is highly probable we should have given the savages a total defeat.

I cannot reflect upon this dreadful scene, but sorrow fills my heart. A zeal for the defense of their country led these heroes to the scene of action, though with a few men to attack a powerful army of experienced warriors. When we gave way they pursued us with the utmost eagerness, and in every quarter spread destruction. The river was difficult to cross, and many were killed in the flight, some just entering the river, some in the water, others after crossing, in ascending the cliffs. Some escaped on horseback, a few on foot; and, being dispersed everywhere in a few hours, brought the melancholy news of this unfortunate battle to Lexington. Many widows were now made. The reader may guess what sorrow filled the hearts of the inhabitants, exceeding any thing that I am able to describe. Being reinforced, we returned to bury the dead, and found their bodies strewn everywhere, cut and mangled in a dreadful manner. This mournful scene exhibited a horror almost unparalleled: some torn and eaten by wild beasts; those in the river eaten by fishes; all in such a putrified condition, that no one could be distinguished from another.

As soon as General Clark, then at the Falls of the Ohio, who was ever our ready friend, and merits the love and gratitude of all his countrymen, understood the circumstances of this unfortunate action,

he ordered an expedition, with all possible haste, to pursue the savages, which was so expeditiously effected, that we overtook them within two miles of their towns, and probably might have obtained a great victory, had not two of their number met us about 200 poles before we came up. These returned quick as lightning to their camp with the alarming news of a mighty army in view. The savages fled in the utmost disorder, evacuated their towns, and reluctantly left their territory to our mercy. We immediately took possession of Old Chelicothe, without opposition, being deserted by its inhabitants. We continued our pursuit through five towns on the Miami River, Old Chelicothe, Pecaway, New Chelicothe, Will's Towns, and Chelicothe, burnt them all to ashes, entirely destroyed their corn, and other fruits, and everywhere spread a scene of desolation in the country. In this expedition we took seven prisoners and five scalps, with the loss of only four men, two of whom were accidentally killed by our own army.

This campaign in some measure damped the spirits of the Indians, and made them sensible of our superiority. Their connections were dissolved, their armies scattered, and a future invasion put entirely out of their power; yet they continued to practice mischief secretly upon the inhabitants in the exposed parts of the country.

In October following, a party made an excursion into that district called the Crab Orchard, and one of them, being advanced some distance before the others, boldly entered the house of a poor defenseless family, in which was only a negro man, a woman and her children, terrified with the apprehensions of immediate death. The savage, perceiving their defenseless situation, without offering violence to the family, attempted to captivate the negro, who happily proved an over-match for him, threw him on the ground, and, in the struggle, the mother of the children drew an axe from a corner of the cottage, and cut his head off, while her little daughter shut the door. The savages instantly appeared, and applied their tomahawks to the door. An old rusty gun-barrel, without a lock, lay in a corner, which the mother put through a small crevice, and the savages perceiving it, fled. In the meantime the alarm spread through the neighborhood; the armed men collected immediately, and pursued the ravagers into the wilderness. Thus Providence, by the means of this negro, saved the whole of the poor family from destruction. From that time, until the happy return of peace between the United States and Great Britain, the Indians did us no mischief. Finding the great king beyond the water disappointed in his expectations, and conscious of the importance of the long knife, and their own wretchedness, some of the nations immediately desired peace; to which, at present, they seem universally disposed, and our sending ambassadors to General Clark, at the Falls of the Ohio, with the minutes of their councils; a specimen of which, in the minutes of the Piankashaw council, is subjoined.

To conclude, I can now say that I have verified the saying of an old Indian who signed Colonel Henderson's deed. Taking me by the hand, at the delivery thereof, "Brother," says he, "we have given you a fine land, but I believe you will have much trouble in settling it." My footsteps have often been marked with blood, and therefore I can truly subscribe to its original name. Two daring sons, and a brother, have I lost by savage hands, which have also taken from me forty valuable horses, and abundance of cattle. Many dark and sleepless nights have I been a companion for owls, separated from the cheerful society of men, scorched by the summer's sun, and pinched by the winter's cold, an instrument ordained to settle the wilderness. But now the scene is changed; peace crowns the sylvan shade.

What thanks, what ardent and ceaseless thanks, are due to that

all-superintending Providence which has turned a cruel war into peace, brought order out of confusion, made the fiercer savages placid, and turned away their hostile weapons from our country! May the same almighty goodness banish the accursed monster, war, from all lands, with her hated associates, rapine and insatiable ambition! Let peace, descending from her native heaven, bid her olives spring amidst the joyful nations; and plenty in league with commerce, scatter blessings from her copious hand!

This account of my adventures will inform the reader of the most remarkable events of this country. I now live in peace and safety, enjoying the sweets of liberty, and the bounties of Providence, with my once fellow-sufferers, in this delightful country, which I have seen purchased with a vast expense of blood and treasure, delighting in the prospect of its being, in a short time, one of the most opulent and powerful states on the continent of North America; which, with the love and gratitude of my countrymen, I esteem a sufficient reward for all my toil and dangers.

DANIEL BOONE.

Fayette County, Kentucky.

## CHAPTER LXX

### TRANSYLVANIA UNIVERSITY

Axe prints were still fresh along the trail of the Wilderness Road when the pioneers of Kentucky engaged in savage warfare in the midst of all the perils and problems of the frontier, even before a newspaper was published in the Ohio Valley, laid foundations for the first institution of higher learning west of the Alleghanies.

The orthography of the immortal backwoodsman, Daniel Boone, who carved upon the trunk of a sturdy beech the laconic statement that he had "cilled a bar" indicated an education much inferior to many of the hardy settlers who, at an early date, crossed the mountains into the Western Country.

In the spring of 1775, and while "Kantuckee" was still a part of Fin-castle County, Virginia, Col. Richard Henderson, a man of considerable learning himself, gathered about him at Boonesborough, a company of men, many of whom had received the best education which the older Commonwealths afforded, and among these Col. John Todd, son of the Rev. John Todd, a Presbyterian clergyman of Louisa County, Virginia, was an outstanding figure.

In the spring of 1780, Colonel Todd was sent as a delegate from the County of Kentucky to the General Assembly of Virginia. It was largely through his efforts and the assistance and influence of his father that the Virginia Assembly in May, 1780, passed a law to vest 8,000 acres of escheated lands, formerly the property of British subjects in the County of Kentucky, in Col. John Todd and twelve other trustees for a public school, "In order," says the preamble of the bill, "to promote the diffusion of knowledge even amongst the most remote citizens whose situation a barbarous neighborhood and a savage intercourse might otherwise render unfriendly to science." Thus the first charter of Transylvania University was enacted into law. No name was given the proposed school and it was probably not contemplated that an institution should be immediately established, for at this time there was not a school house of any kind in Kentucky.

During the next three years the undertaking, well begun by Colonel Todd, remained but a scheme on paper. The settlers were wholly absorbed in defending themselves against the dangers of the "barbarous neighborhood," and in that defense the institution which in the years to come furnished its sons in every national crisis, now scarcely born and yet unnamed, gave the lives of three of its trustees. Colonel Todd and Col. Stephen Trigg were killed at the ill-fated Blue Licks, August 19, 1782, and Col. John Floyd was shot from ambush near Floyd's Station in April, 1783.

In 1783, Kentucky having become a district of three counties, Jefferson, Lincoln and Fayette, the General Assembly of Virginia passed another act by which the number of trustees was increased to twenty-five and the name, Transylvania Seminary, given to the proposed school. "Transylvania" is a classical synonym for backwoods or frontier, and was probably suggested by Colonel Henderson's Colony of Transylvania, which he attempted to set up in the new country, Colonel Todd having

been a member of the temporary legislature which Henderson convened at Boonesborough in 1775.

The Hon. Caleb Wallace, representative in the Assembly of Virginia for the County of Lincoln, and later one of the judges of the Supreme Court of the State of Kentucky, was active in behalf of the school at this session, and in the selection of the trustees under the new act. On this Board of Trustees may be found the names of men who were destined to play a prominent part in the development of the new Commonwealth, Benjamin Logan, Levi Todd, John Cowan, Thomas Marshall, Samuel McDowell, George Rogers Clark, Isaac Shelby, David Rice, Caleb Wallace, Christopher Greenup, and John Crittenden being among the number.

The act also conveyed to the seminary 12,000 acres of land in addition to the 8,000 acres contained in the original grant and the whole of this endowment was exempt from taxation. On the 10th day of November, 1783, the trustees held the first meeting at John Crowe's Station, a



TRANSYLVANIA COLLEGE, LEXINGTON

few miles from Danville, in what was then Lincoln County, with "Father" Rice, the first Presbyterian minister to cross the mountains in the chair.

The times were still troublesome, the trustees widely separated and nothing except organization was accomplished until at a meeting at Danville, November 4, 1784, resolutions were adopted which provided "That one or more Grammar Schools be erected, as funds would permit" and "that the first be erected in Lincoln County, near the Rev. Rice's dwelling" and on the 1st day of February, 1785, at the residence of "Father" Rice, a log cabin of two rooms with a covered passageway between and a stick chimney, the first session of Transylvania Seminary began with the Rev. James Mitchell as Master "for one year at a salary of thirty pounds sterling."

But there were very precarious years ahead for the infant institution that aspired to be the beacon light of the new civilization. The grant of 20,000 acres from the Assembly yielded but a scanty revenue. Realizing this, the Assembly passed an act granting to the seminary one-sixth of all the surveyors' fees in the District of Kentucky and, as a further means of increasing slender resources, the Transylvania Seminary Lot-

tery was organized, a now antiquated gambling project, popular in that time as a means of raising public funds.

The year 1788 found the seminary without permanent location, and on October 13th of that year a committee was appointed "To rent convenient houses in or near the Town of Lexington for the purposes of the seminary, until houses can be built on the lands of the same." Under this direction Isaac Wilson, who for some time had been master of the Lexington Grammar School, opened the seminary on June 1, 1789, "at the public school house adjacent to the Presbyterian Meeting House, near Lexington." In September, 1791, Mr. Wilson was succeeded by Rev. James Moore, a Presbyterian clergyman, who conducted the school for a while in his own house.

It had now been eight years since the first session at David Rice's cabin, and the institution was still without a fixed place of abode. The unsettled condition of the seminary must have excited the concern of those citizens of Lexington interested in higher education and the development of the town, for on March 27, 1792, John Bradford, editor of the *Kentucky Gazette*, and other prominent men of Lexington, formed the Transylvania Land Company, which purchased a lot of about three acres on the present site of Gratz Park and upon which a two-story brick building stood. This property the company offered to the seminary, provided the institution should be permanently located in Lexington. The trustees accepted this donation on April 8, 1793, and thus the fortunes of the seminary became inseparably linked with the town it was soon to make "the Athens of the West."

The seminary had scarcely become settled in its new home when the smouldering fire of sectarian dispute, through which it was ever afterwards to run the gauntlet, burst into flame for the first time. The Rev. James Moore had for some time been principal of the seminary, and to him much credit was due for his untiring nurture of the school in its feeble infancy, in which he had the earnest support of the Presbyterians.

Therefore, when on February 5, 1794, the Board of Trustees cast a majority vote in favor of Harry Toulmin, a very able Baptist minister, for president, the indignation of Reverend Moore's friends ran high. Threats were made to establish a rival school, but the majority of the board, led by John Breckinridge, later United States senator from Kentucky and attorney-general in the Cabinet of Thomas Jefferson, and the Rev. Ambrose Dudley, father of the celebrated surgeon, Benjamin W. Dudley, could not be intimidated, and Mr. Toulmin became the first head of the seminary to be designated as president.

The Presbyterians, good as their word, very promptly withdrew, and on October 26, 1795, the Kentucky Academy began its first session at Pisgah, several miles southwest of Lexington, the State Legislature having granted a charter therefor on December 12, 1794. The Rev. Andrew Steele was the first teacher, although succeeded in a few months by the deposed president of the seminary, Rev. James Moore. This was the first strictly denominational school in the state, and its trustees were those who had hitherto staunchly supported the seminary, among them being David Rice, Judge Caleb Wallace and Rev. James Blythe. A committee sent East to raise funds for the new institution obtained subscriptions from many prominent men, George Washington, John Adams, Robert Morris and Aaron Burr being on the list.

This division among the friends of education necessarily had a depressing influence on both institutions. The attendance was small and at the seminary President Toulmin and one assistant were the only teachers. The situation was relieved, however, in a short time by the resignation of Mr. Toulmin as president of the seminary, around whom the storm had centered, and his retirement on April 4, 1796, shortly



to become secretary of state under Governor Garrard and later Federal judge in Alabama.

On September 23, 1796, Rev. James Moore again became the head of the seminary, and in the following month negotiations for a merger of the two institutions began. After much delay and considerable argument the union was accomplished and a joint petition presented to the Legislature, which granted a charter to Transylvania University on December 22, 1798, to become effective at the beginning of the new year.

It was, therefore, on the first day of January, 1799, during a sectarian calm, that out of the travail of denominational jealousy and contention, Transylvania University was born. The university, by the merger, came into existence with a substantial endowment. The Kentucky Academy had about \$8,000 in cash, besides subscriptions, books, apparatus, while the value of the combined land endowment was estimated as high as \$179,000. It possessed, for that time, modern and adequate chemical and philosophical equipment and the library numbered 1,300 volumes. Among the Kentuckians of prominence on the Board of Trustees were James Garrard, Samuel McDowell, Robert Marshall, George Nicholas, Caleb Wallace, Levi Todd and John Bradford.

At the first meeting of the board, John Bradford was elected chairman and the several departments were organized. The Rev. James Moore, who had been head of the seminary, was made president of the university, and with him on the faculty were Rev. James Blythe and Rev. Robert Stuart. The medical department was placed under the direction of Dr. Samuel Brown, first professor of medicine in the West, famous for his introduction of vaccination into America. His associate was Dr. Frederick Ridgely, the early instructor of the celebrated Dr. Benjamin W. Dudley. Doctor Brown is said to have vaccinated as many as 500 people in Lexington and vicinity before any other physician in America would undertake the experiment. Having proved successful here, it was then attempted in Philadelphia and New York.

In 1799 the Hon. George Nicholas, one of the ablest lawyers Kentucky ever produced, was appointed professor of law. Mr. Nicholas had taken a prominent part in the Virginia convention that adopted the Federal Constitution, and the phraseology of the First Constitution of Kentucky is generally accredited to his pen.

No doubt the greatest success awaited the law school under the instruction of Mr. Nicholas, had he lived. His career, however, was cut short by death before the end of the first year, and a flourishing class of nineteen students, among them William T. Barry, was placed temporarily in charge of a committee of lawyers selected from the Board of Trustees. On October 18, 1799, the Hon. James Brown succeeded Mr. Nicholas as professor of law.

There is no record of the number of students attending the first session of the university, but in 1800 there were forty-five students in the department of arts and sciences, nineteen in the law department, and six students of medicine—an excellent enrollment considered in the light of the Census of 1798, which gave Lexington a total population, including slaves, of 1,475, and the total voting population of Fayette County, then including an area since subdivided into a number of counties, only 2,247.

The century had scarcely begun when the peace and prosperous quietude of the institution was again disturbed by religious troubles in the form of charges made by certain students against the Rev. James Welch, a Presbyterian clergyman occupying the chair of languages. The indictment against him was that he held "deistical opinions" in religion and was a "heretic" in politics. The archives reveal a long and tedious trial, lasting two days, at the end of which Mr. Welch was acquitted

of the charges by the Board of Trustees, who, however, intimated that his days of influence as a professor in the university were over, and he thereupon tendered his resignation, which was accepted. This internal disturbance had its usual depressing effect upon the enrollment, which by the middle of the year 1801 had fallen to thirty students.

On April 7, 1802, the first degree, bachelor of arts, was awarded Robert R. Barr, and on the following October 6th the same degree was conferred on Josiah S. Johnston, later United States senator from Louisiana, and A. C. Respass.

For the next several years the attendance was under fifty, and there was no marked increase in the influence of the institution in the community. The malady of ever-present sectarian strife sapped the energies of the faculty, the enthusiasm of the students, and impaired the confidence of those who wished the institution well, but wished it free from denominational control. On October 4, 1804, President Moore, after a controversy with the trustees, resigned, and Dr. James Blythe, one of the first Presbyterians in Kentucky, was made acting president, which position he retained until 1816.

Under the wise and tolerant administration of Doctor Blythe, the university was placed for the first time upon a firm footing, financial and otherwise. The original grant of 8,000 acres had, under long term leases at a low rental, yielded but a meager income. By 1812 most of these lands had been sold and the proceeds, \$30,000, invested in stock of the Bank of Kentucky. In this year the cash endowment amounted to \$67,532. Doctor Blythe first gave his attention to the academic department and brought its standard up to an equality with the Eastern colleges. After this accomplishment he energetically undertook the reorganization of the professional departments, and at this time the first regular medical faculty was organized. It was composed of Doctor Brown, Dr. Elisha Warfield and Rev. James Fishback, M. D., but for some reason, not indicated by the records, no teaching was done in this department at this time, and the entire faculty resigned in 1806.

The law school was more fortunate, and on October 10, 1805, Henry Clay was chosen professor of law and remained on the faculty until October 16, 1807, when he resigned to become a trustee of the university, a position which he held for more than forty years. During the several years following, James Munroe, elected October 16, 1807; John Pope, elected March 1, 1814, and John Breckinridge, elected April, 1817, lectured to the students of law. For a number of years little or nothing was accomplished in the medical department. Several attempts at reorganization failed. In the autumn of 1815 several appointments were made to chairs in this department, but practically all were declined. However, Dr. Benjamin W. Dudley, just returned from four years of professional study in Europe, lectured to about fifteen students of medicine in Trotter's warehouse, then located on the southeast corner of Main and Mill streets. Finally, on December 10, 1816, the celebrated Dr. Daniel Drake<sup>1</sup> was appointed as a professor of medicine, and on February 28, 1817, Dr. James Overton also became a member of the medical staff. These, with Drs. Benjamin W. Dudley and William H. Richardson, constituted the first active medical faculty of Transylvania University. During the session of 1817-18 medical lectures were delivered to a class of about twenty students, and in 1818 the first medical commencement in the Mississippi Valley was held at Lexington, John L. McCullough being the first graduate to receive the degree of doctor of medicine.

<sup>1</sup> Doctor Drake, together with Doctor Goforth, was founder of the Ohio Medical College, an institution which still exists, and under the late Dr. Christian R. Holmes received a new impetus.

The hopeful outlook for the medical department at this time was somewhat clouded by an unfortunate controversy between two of its ablest instructors, Doctors Dudley and Drake, which resulted in the resignation of Drake and the shooting of his friend, Doctor Richardson, by the pugnacious Dudley. The disagreement arose over a post mortem held upon an Irishman who had been killed in a fight. There was a heated exchange of notes and Dudley challenged Drake to a duel, which Drake, because of his long opposition to this method of settling disputes among gentlemen, declined. The challenge, however, was accepted by Drake's close friend, Dr. William H. Richardson, professor of obstetrics in the medical department. In the encounter Doctor Richardson was shot in the groin by Doctor Dudley, who, seeing the critical condition of his adversary, asked permission to arrest the hemorrhage, and under the skillful fingers of the great surgeon, the severed artery was quickly repaired, Richardson's life was saved, and an enduring friendship established between the two men.

Since the humble beginning of the seminary in the log dwelling of "Father" Rice, the growth of the institution had been hampered by fierce religious dissensions, and with the years it had become increasingly apparent that the university, under denominational control, could not succeed. Two factions were charged to exist in the Board of Trustees—"the friends of evangelical religion and the open or disguised abettors of deism or infidelity." It was these conditions, emphasized by the fact that from 1799 to 1818 the institution had graduated only twenty-two students, which, no doubt, caused the Legislature to appoint a committee to inquire of the trustees of the University as to "the causes which have retarded its reputation."

In November, 1815, the Board of Trustees appointed Rev. Horace Holley, a celebrated Unitarian minister of Boston, president of the university, but, through factional influence, the appointment was rescinded. In March, 1816, Doctor Blythe, who had been acting president for sixteen years, resigned, and the board met and elected Rev. Luther Rice, a Baptist clergyman, who declined the appointment. In April, 1817, Philip Lindsley, later president of the University of Nashville, was elected, but he also declined. Then on October 25, 1817, Doctor Holley was again voted on, without definite results, but on November 25th he was elected at a salary of \$2,250 per annum. That the choice was not unanimous was indicated by the *Kentucky Gazette* of November 22, 1817, which, in recording the proceedings of the board on that occasion, states that Rev. Robert Stuart "objected to Doctor Holley's religious tenets, which would not suit the Presbyterians, Methodists, Baptists and Episcopalians," to which Joseph C. Breckinridge replied that "the Board had no right in the selection of a president, to inquire into the sectarian belief of the gentleman, this subject being too sacred—they were not a church appointing a preacher."

In the summer following his appointment Doctor Holley visited Lexington and, having accepted the position, brought his family to his new home, assumed his duties as head of the institution that was soon to become second to none in the country. The administration of Doctor Holley was the golden era of Transylvania University. The times were most auspicious for the advancement of learning. Kentucky had emerged with great credit to herself from the War of 1812, and, although she had left many of her bravest sons in the woods at the Raisin and along the breastworks at New Orleans, the conflict was over, security from Indian invasion was assured, and the people turned to the pursuits of peace and civic improvement.

The university grounds were planted in shrubbery, and through the liberality of Henry Clay and others the grounds were enlarged by the

acquisition of the Higgins lot, now the western part of the present campus. A large, commodious brick building three stories in height and containing thirty rooms, surmounted by an ornate cupola, was erected near the center of the old grounds at an expense of more than \$30,000. And, as if to remove every possible obstacle from the path of the incoming president, the Legislature removed the old board and appointed a new one composed of prominent men of the commonwealth who were as far removed as possible from sectarian prejudice. On this board were Henry Clay, Robert Trimble, Edmond Bullock, John T. Morris, Jr.; Robert Wickliffe, John Pope, John Brown and Charles Humphreys.

Doctor Holley was a man admirably fitted for the great task he had undertaken. Born in Salisbury, Connecticut, in February, 1781, he had graduated with high honors from Yale in 1803, at 22 years of age. Studying law in New York for a while, he abandoned it for the ministry and had been, since 1809, the pastor of the Hollis Street Unitarian Church of Boston, Massachusetts, where he had been eminently successful. Dr. Christopher C. Graham, a student at the university during Doctor Holley's administration, described him as a "man of ordinary size, perfect symmetry, a handsome, smiling face, bright eyes, a remarkably sweet, musical, well-modulated voice and clear articulation." His engaging personality won him instantly warmest friends among the most influential citizens, two of whom were Henry Clay and Col. James Morrison, the staunchest supporters the university ever had. On the 19th day of December, 1818, Doctor Holley was formally inaugurated, the ceremonies taking place in the Episcopal Church, and the university began immediately an almost phenomenal development. The various departments were reorganized and many changes were made in the personnel of the faculty. Doctor Holley, from his wide acquaintance among the scholars of the day, filled the various chairs with men of national reputation.

It was not long before the new president had obtained the confidence of the Legislature and the community generally, which resulted in the state granting the university the bonus of the Farmers and Merchants Bank for two years and appropriating \$5,000 from the State Treasury for the purpose of buying books and apparatus for the medical college. With this fund Doctor Caldwell personally selected a library in Europe, which made the medical department the equal of any medical college in the country in equipment, and second only in numbers to the University of Pennsylvania.

During the first session under the new administration, the number of students increased considerably, and by 1820 the medical department alone had ninety-three students.

In a short time Transylvania became known throughout the United States for its able and learned faculty and the thoroughness of its courses of instruction. The reputation of the university at this period is best indicated by a comparison of its enrollment with the schools of recognized standing in various parts of the United States. In March, 1821, Transylvania had 282 students; Yale, 319; Harvard, 286; Union, 264; Dartmouth, 222, and Princeton, 150.

In this year the commonwealth granted the university one-half of the net profits of the Lexington Branch Bank of the commonwealth for two years, which in cash amounted to about \$20,000. This was followed the next year by a lottery privilege of \$25,000 for a new medical building and an allowance of 2 per cent of the auction sales in Fayette County for a law library. This financial assistance from the state, together with liberal contributions from the City of Lexington, were, for the time being, sufficient to meet the requirements of the growing institution.

In October, 1821, the faculty was composed as follows: Academic

department, Rev. Horace Holley, A. M., LL. D., president; philology, belles lettres and mental philosophy, Rev. R. H. Bishop, A. M.; natural philosophy and history, J. F. Jenkins, A. B.; mathematics, John Roache, A. M., languages; Constantine S. Rafinesque, probably at that time the most eminent scientist in America, in natural history, botany and modern languages; J. W. Tibbatts and B. O. Peers, tutors. Medical department: Charles Caldwell, M. D., institutes of medicine and materia medica; Benjamin W. Dudley, M. D., anatomy and surgery; Samuel Brown, M. D., theory and practice of physic; W. H. Richardson, M. D., obstetrics and diseases of women and children; James Blythe, M. D., D. D., chemistry. Law department: William T. Barry, later United States senator, professor. To this body of eminent scholars shortly was added Dr. Daniel Drake, again a member of the medical faculty, and Judge Jesse Bledsoe, who joined the law faculty.

On April 23, 1823, Col. James Morrison, devoted friend of the university and warm admirer of Doctor Holley and for some time chairman of the Board of Trustees, died, leaving a generous legacy to the university of \$20,000 for the endowment of a professorship, and a residuary estate of \$50,000 to erect a new college building which should bear his name.

It is obvious that the purpose of the Legislature in removing the old Board of Trustees upon the eve of Doctor Holley's acceptance of the presidency was to prevent the denominational dissension which had proved such a hindrance to the progress of the university during the earlier years of its existence. Being a state university, supported by taxpayers of every religious faith, it should be strictly non-sectarian. In this principle Doctor Holley and the trustees heartily concurred. It was announced by the board that "Students were enjoined to attend public worship somewhere on the Sabbath, but nothing is further from the intentions of the trustees than to propagate by means of this regulation the particular tenets of any sects. The trustees feel it a solemn and primary duty to preserve the institution open alike to all denominations." And it was in the courageous and steadfast performance of that duty that Doctor Holley was attacked and finally destroyed by sectarian bigotry.

The *Weekly Recorder*, a Presbyterian journal published in Chillicothe, Ohio, was Doctor Holley's earliest and most relentless critic. Conceding to him, for none could deny it, the advocacy of virtue and morality, it charged that he had no faith in creeds and was therefore an enemy to Christianity, observing unctiously that "Christ is of more importance to the college than Doctor Holley, or any of the people of Lexington" and "the Gospel of more value to the Western Country and Lexington than all the science on earth."

As the fame of the University increased, the clouds thickened about the distinguished president—the Presbyterians, Baptists and Methodists united in attacks, insidious and open, against Doctor Holley and his administration. It was charged that he taught a dangerous and unorthodox religion, was "too fond of worldly amusement; and that the school was a rich man's school, closed to the poor." That his enemies were blinded by prejudice to the broad, deep, but tolerant, Christianity of the man is proved by the following extract from one of his sermons: "What is Christianity? It is the love of God and man. What is the Christian faith? The intelligent and honest acknowledgment that Jesus is the Christ. I say that the Bible is a better creed than any you can make and Christ a better teacher than any you can follow. Were Jesus now before you in person, what would he say to your minister? 'Preach me, and not Calvin, nor Arminius; not Edwards, nor Priestly; preach the Bible and not the creed of Scotland, Saybrook, Cambridge or Savoy;

preach practice and not speculation; preach union and not division; preach effort and not sloth; enlarge your charity and stint it not.'"

Through the whole unhappy affair, the friends of Doctor Holley had made in his few short years in Lexington, the ablest men of his faculty and his students, defended him against every slander with a loyalty that never wavered. The great Barry and Bledsoe of the law department issued pamphlets vigorously answering Holley's critics, and a newspaper communication addressed to "the People of Kentucky" and signed by the graduates of Transylvania for the years 1821, 1822 and 1823, testified to the purity of character, sterling worth and genuine religion of their president.

But Calvary was in sight for Doctor Holley. Harassed by espionage, overwhelmed by the combined assaults of his enemies, opposed by the Legislature and the executive, the wells of public opinion poisoned, he could bear his burden no longer, and in 1826 he tendered his resignation, which was finally accepted January 18, 1827, to become effective the following March.

Upon leaving Lexington on the 27th of March, 1827, Doctor Holley and his family removed to New Orleans, where his services were immediately engaged in erecting an educational institution out of the ruins of the old College of New Orleans. The climate, however, did not agree with him, and, worn in body and depressed in spirits, he embarked at New Orleans in July for a trip to New York by sea, hoping to find recuperation in the cooler climate. When scarcely clear of port, the yellow fever broke out on the vessel and in Doctor Holley it found a ready victim. On July 31, 1827, during a fierce tempest, after five days of intense suffering and delirium, the troubled soul of Transylvania's greatest president was set free and his body was given sepulchre in the troubled waters of the Gulf of Mexico.

With the departure of Doctor Holley, the institution, which in a few years had achieved such fame and distinction, fell into a decline which was both rapid and, in the main, permanent. Fairly successful and of considerable local reputation under Doctor Blythe, it had required the fine scholarship, magnetic personality and executive ability of Doctor Holley to give the university national prominence, which produced an illustrious alumni. The library had increased from 1,300 volumes to 6,500, and instead of 22 alumni, it had, at the close of Doctor Holley's administration, 666. The medical department alone had increased from 20 students and 1 graduate in 1817-18 to 281 students and 53 graduates in 1825-26. During that time Transylvania had, among other distinguished visitors, entertained President Monroe, General Andrew Jackson, Lord Stanley, later Earl of Derby, and General LaFayette.

Upon the resignation of Doctor Holley, the university passed under denominational influence—first Baptist, then Episcopal, again Presbyterian, and finally Methodist. Pending the selection of a successor to Doctor Holley, the academic department was in charge of the four professors of its faculty. Both the law and medical departments were under their respective faculties, and it was while thus controlled that in 1827 a new and attractive medical hall was built.

In June, 1828, Dr. Alva Woods, prominent Baptist minister of Rhode Island, was elected president, and it was during his administration, on the night of May 9, 1829, that fire completely destroyed the main building of the university, the law library and much valuable apparatus. The loss was approximately \$30,000, thus wiping out the original endowment of Transylvania Seminary. Discouraged with this calamity, Doctor Woods resigned in 1830, and only the medical department, conducted by its illustrious faculty, among which were Doctors Dudley and Drake, continued a prosperity which lasted to the very end of its existence, enrolling a total of 6,406 and graduating 1,854.

In 1833 Rev. B. O. Peers, an alumnus of Transylvania and an Episcopalian clergyman, was appointed to the presidency, and for the first time the department of theology was established under the control of his denomination. Under President Peers, Morrison College, the dignified old edifice still standing in the center of the present campus, was completed with the legacy of Col. James Morrison, and on November 14, 1833, it was dedicated with elaborate ceremonies. Disagreement with the Board of Trustees caused the resignation of President Peers February 1, 1834. On July 1, 1835, Rev. Thomas W. Coit became president, and, having unsuccessfully attempted to convert the university into a state normal school, resigned in 1838. About this time the waning fortunes of the university affected the medical department. Doctor Caldwell and a majority of the faculty attempted to move the department to Louisville. While the plan was frustrated and the department reorganized under Dr. Benjamin W. Dudley, Doctors Caldwell, Cook, Short and Yandell of the Transylvania faculty withdrew and established the Medical Institute of Louisville.

Aroused to the precarious condition of the institution, the City of Lexington donated \$70,000 to the school, and a contribution of \$35,000 was raised by popular subscription. This financial assistance more than made up the loss sustained by fire, although the morale of the school could scarcely be stimulated, and the professional departments during the next few years maintained their former excellent standard, the law school having at this time the finest library in the West. In 1839 the Transylvania law department had seventy-one students, while Yale and the University of Virginia had forty-five and seventy-two students, respectively. Its faculty was composed of three celebrated Kentucky jurists, George Robertson, Aaron K. Wooley and Thomas A. Marshall, but by 1840 state aid and control had practically been withdrawn, and the trustees, having offered the presidency to various eminent Presbyterian ministers who had declined, finally induced the Rev. Robert Davidson, D. D., a prominent Presbyterian clergyman, to accept the position in November, 1840. Upon the resignation of Doctor Davidson in March, 1842, control of the university passed to the Kentucky Conference of the Methodist Episcopal Church, with Rev. Henry B. Bascom, D. D., acting president, becoming the president in 1844. From the beginning of President Bascom's administration until the division in the Methodist Episcopal Church in 1844-5, the University experienced a revival in all its departments. The session of 1843-4 had 552 students and graduated 102, but upon the separation of the Methodist Episcopal Church, under the Southern branch of that body, the institution lapsed into its former depressed condition.

From 1850, the university, abandoned, and without definite policy, declined hopelessly. Becoming a school for teachers under Thomas B. Todd in 1855, it sank to a local grammar school during the Civil war. Troops were quartered in its buildings, its libraries and apparatus scattered and destroyed, and the spacious medical hall, used as a United States General Hospital, was burned. In the violence and bloodshed of the Revolution the institution had been born, and amidst fratricidal conflict, under the old name and regime, passed away.

On June 20, 1865, the remains of the old university was consolidated with and under the name of the Kentucky University, which latter institution had been removed from Harrodsburg to Lexington after losing its buildings by fire at the former place in 1864. To these units was added the Agricultural and Mechanical College of Kentucky, recently established by act of the Legislature. The Hon. John B. Bowman, a wizard in educational organization, was made the official head of Kentucky University, under the title of regent. From 1865 to 1878 the new

institution prospered greatly. Under the wonderful executive ability of Mr. Bowman, the endowment reached \$400,000, with property valued at \$200,000, and with a library of 15,000 volumes. It had four departments: College of Arts and Sciences, College of the Bible, College of Law, and Agricultural and Mechanical College. Eminent educators were on the faculty, such as James K. Patterson, J. H. Neville, H. H. White and Robert Peter, of the College of Arts and Sciences; President Milligan and John W. McGarvey, of the College of the Bible. The average attendance was 700 students, drawn from thirty different states and countries. In 1878 the sectarian and denominational issue again appeared, which resulted in the Agricultural and Mechanical College being separated by legislative enactment and maintained thereafter wholly as a state institution, out of which grew the present University of Kentucky.

During the last forty-three years the school founded by Todd, Wallace, Rice and other pioneers, and nurtured by Colonel Morrison and Henry Clay has been conducted chiefly as a College of Liberal Arts, which in 1890 opened its doors to women as well as men. Attempts have been made to revive the College of Law, and for a number of years the medical college was maintained at Louisville, but neither attained the success of former days and neither now exist.

In 1908 the name was changed to Transylvania College, which now maintains within the classic walls of venerable Morrison College an excellent course of instruction in the liberal arts, under an able faculty headed by Dr. T. B. Macartney, a scholar who would have honored the institution even in the days of Holley.

No institution in America has had more distinguished sons than Transylvania. Only a partial list of graduates and former students will serve to show her contribution to the talent and genius of the nation:

David R. Atchison, of Missouri, president pro tem of the United States Senate and President of the United States for one day, March 4, 1849; Benjamin Gratz Brown, United States senator from Missouri and governor; George W. Jones, United States senator from Iowa; Josiah S. Johnston, United States senator from Louisiana; Benton McMillin, governor of Tennessee; Samuel McRoberts, United States senator from Illinois; M. A. Smith, United States senator from Arizona; Wm. Allen Trimble, United States senator from Ohio; Wm. A. Richardson, United States senator from Illinois; George G. Vest, United States senator from Missouri; Lewis V. Bagby, United States senator from Missouri; Champ Clark, representative in Congress from Missouri, Speaker National House of Representatives and candidate for President; James Brown, United States senator from Louisiana and minister to France; Jefferson Davis, United States senator from Mississippi, Secretary of War and President Confederate States of America; Albert Sidney Johnston, major General Confederate Army; Benjamin W. Dudley, noted surgeon; Edward A. Hannegan, United States senator from Indiana, minister to Prussia; John Marshall Harlan, justice Supreme Court of the United States; Richard M. Johnson, hero of battle of the Thames, United States senator from Kentucky and Vice President; Dr. Joseph Singer Halstead, Henry Clay's physician; Cassius M. Clay, major-general, United States Army, minister to Russia; James Lane Allen, novelist; James B. Beck, United States senator from Kentucky; George M. Bibb, Chief Justice Kentucky Court of Appeals, United States senator, Secretary of Treasury; William T. Barry, United States senator from Kentucky, Postmaster General, minister to Spain; John Fox, Jr., novelist; John Rowan, United States senator from Kentucky; James Speed, attorney-general in Abraham Lincoln's Cabinet; Joseph R. Anderson, United States senator from Kentucky; Dr. Virgil P. Gibney, eminent surgeon, first president New York Academy of Medicine; Gen. Robert



B. McAfee, famous soldier; Thomas Metcalfe, United States senator from Kentucky; Richard H. Menifee and W. C. P. Breckinridge, Kentucky orators and statesmen; John Cabell Breckinridge, Vice President United States, candidate for President against Abraham Lincoln, United States senator from Kentucky, major-general Confederate Army, and Secretary of War in Cabinet of Jefferson Davis.

Indeed, in the words of Governor Charles S. Morehead, himself a distinguished son of Transylvania, it has been "An institution which has nursed to maturity the intellect of the Commonwealth, having filled her Assemblies with law givers, her Cabinets with statesmen, her Judicial Tribunals with ministers of justice, her pulpits with divines, and crowded the professional ranks at home and abroad with ornaments and benefactors to their country."

W. H. TOWNSEND.

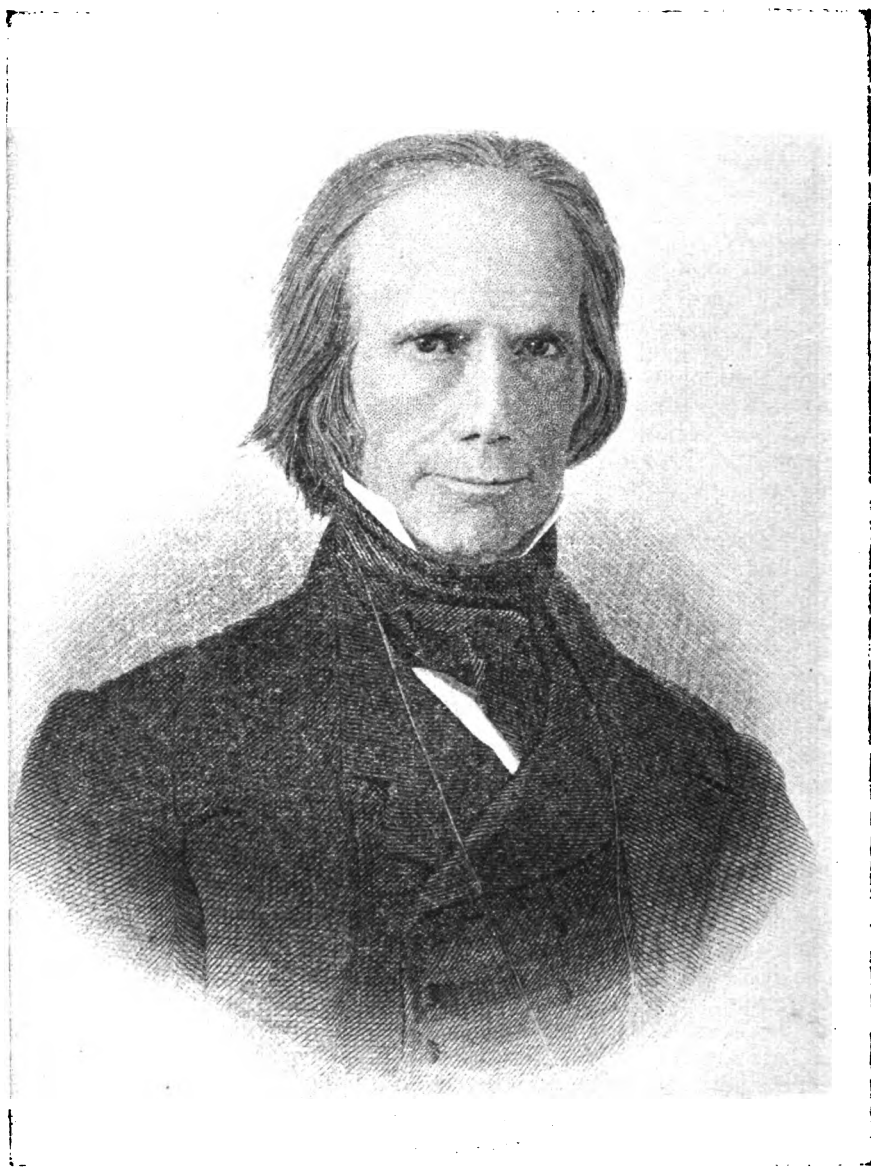
## CHAPTER LXXI

### THE INFLUENCE OF HENRY CLAY ON POLITICAL OPINION IN KENTUCKY

Henry Clay has been dead three score and ten years. For fifty-five years he was a citizen of the state. He settled at Lexington in 1797. Political conditions in Kentucky at the time of his arrival were critical. Much ill feeling had been caused by the Spanish Conspiracy. Its sores were long in healing. The first constitution was in disfavor, and there existed a general clamor in favor of calling a new convention. The environment into which young Clay transferred himself from Virginia was entirely different from that in which he had been reared. The relation which Kentucky bore to the Union was different from that of the colonies that had formed the new Government. It was the first of the transmontane states. Cut off from Virginia though it was, it was yet not Virginia. A new order of society had grown into being as the result of a long and arduous struggle to subdue the country and make it habitable and safe. While the Federalist and Anti-Federalist controversies had crossed the mountains, and taken possession of their respective adherents, there was yet a local condition that was just as important to the Kentuckians as any issues that existed in the conduct of the National Government.

Toryism never crossed the mountains. Kentucky was peopled by a class of citizens that was decidedly anti-British. Nor was there any strong leaning towards Federalism, and such as there was gradually abated. Notwithstanding the fact that a Federal administration was in power at Washington, the trend of opinion in Kentucky was decidedly towards the Jeffersonian school of thought. A few prominent Federalists, such as Humphrey Marshall, John Pope and Joseph Hamilton Daviess, had, through a feeling of admiration which all felt for Washington, organized a pretty formidable following, but the events of the Adams administration soon dissipated any strength which it might otherwise have attained. Unified government, as taught by Hamilton, did not harmonize with the Kentucky spirit of that time.

The Kentuckian that greeted Clay was essentially an individualist. He hated restraint. Out of pioneer life had grown into being a race of people that was strongly self-reliant. Federalism, therefore, was not popular with the masses because it looked towards centralization of power and minimized popular responsibility. Social order meant more to the Kentuckian than political order. They had learned the strength of individualism in the blockhouse. They had been schooled in the democracy of the fort where they met as equals. The common enemy had been expelled and the country settled without aid from the Government. The people that had borne the burden of pioneer hardships felt the Government needed Kentucky as much as Kentucky needed the Government. Her attitude towards the National Government from the outset was one of independence. It had not joined the Union for individual protection and it wanted the Union to know that fact. Having erected an independent sovereignty through their own self-sacrificing efforts they felt abundantly able to defend the work of their own hands.



HENRY CLAY

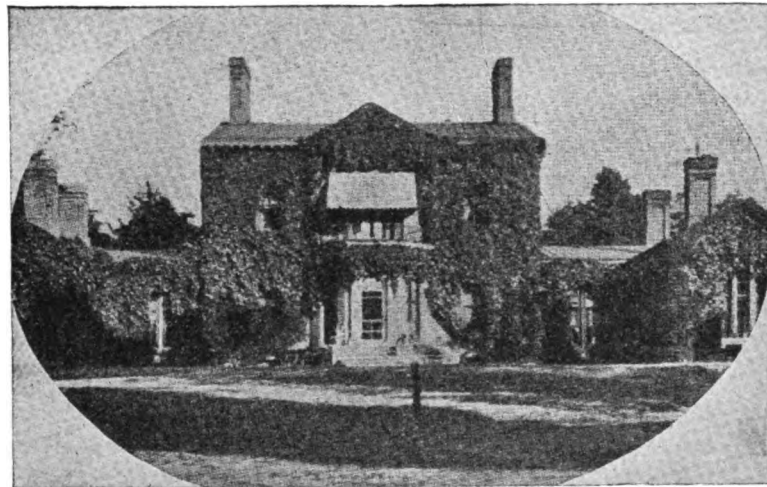
Into this environment Henry Clay came at the age of twenty. The whole country had grown restive under the administration of affairs at Washington. In the struggle between Jefferson and Hamilton the former was easily the favorite. John Breckinridge, the personal representative of Jefferson in Kentucky, was extremely popular. George Nicholas, who had been her constitutional mentor, threw all the weight of his strong personality in favor of popular government. The right of a state to determine for itself the validity of an act of Congress, and to accept or reject it as it chose, particularly if it invaded those rights which were expressly reserved to the states, and of that the states were to be the judge, took stronger hold in Kentucky than in other state, Virginia and South Carolina not excepted. The Kentucky Resolutions, submitted to the Legislature by John Breckinridge, and adopted by an overwhelming vote, presented fairly Kentucky's interpretation of the Constitution with reference to the relation of the State and National Governments, and in the spirit of this interpretation Kentucky entered the Union. The average Kentuckian of that period put Civil Liberty, Political Liberty and Religious Liberty in the scale against Individual Liberty. He never permitted the one class to absorb the other. The Age of Reason and the Rights of Man had left their imprint. Democracy and the Natural Rights of man were one and the same. It was an era of enthusiasm. To use the thought of Wordsworth, the poet,

"Bliss was it in that dawn to be alive,  
But to be young was very Heaven."

Henry Clay entered public life a pronounced Anti-Federalist, or republican. There has come down to us no reliable data with reference to his attitude towards the Breckinridge Resolutions, though his attitude of mind in later years is well known. There are, however, certain circumstances and outcroppings of events that warrant the conclusion that he entirely concurred in the sentiments of those resolves. Returning to Lexington in 1851, broken in health and weighted with care, his fellow citizens and neighbors, irrespective of party ties, gave him a public reception in appreciation of the great work he had accomplished in the struggle growing out of the Omnibus Bill, his last contribution to his country. The meeting was presided over by John C. Breckinridge, "the young lion of Democracy," and in response to the very cordial introduction which he gave Mr. Clay, the latter responded, with great feeling that he had known the father of the young man as neighbor and friend, and his grandfather and himself had fought together in the early days of the Commonwealth. From this it may be inferred that they did not then hold inimical convictions. He was at one with Breckinridge and Nicholas in their denunciation of the Alien and Sedition laws. He gained his first substantial reputation as an orator in speaking from the same platform with Nicholas in opposition to these laws. As parties divided at the time of Clay's introduction to political life in Kentucky, he may readily be assigned a place with the followers of Jefferson. Some difference in opinion may have existed between him and some of the members of his party on the subject of slavery. Nor was he alone in his views on this subject; nor were his views wrong, as subsequent events proved. With the old Greek orator, Alcidas, he did not believe that God ever made any one a slave, and that when the Declaration of Independence said that "All men are born free and equal," it was equivalent to saying involuntary servitude had no place in a nation of freemen. He believed that liberty was a primordial right, without regard to station, and that one man had no right to enslave another. On one occasion, when acting as prosecuting attorney under a temporary assignment, he was placed in a position where he was compelled to tell the jury in a case where a

negro man had killed a white man in self-defense, that a slave could not defend himself against his taskmaster, and that while it would have been justifiable homicide if the case had been reversed, it was murder as against the slave. When the negro was convicted and hanged it made such an impression on Clay he never again engaged in a similar prosecution. More than three score years thereafter the late Colonel Breckinridge was defeated for the office of Commonwealth's attorney because he advocated the granting to the freed-men under the Emancipation Proclamation the right to testify in the courts. In the end the views of each prevailed.

So much of the Federalist party in Kentucky as survived the Adams Administration existed only in a fragmentary way. Although Pope became a Federalist senator, and colleague of Clay, it is noteworthy that in later years Pope became a democrat and Clay a whig. In Kentucky, more than in the Atlantic States, party differences, to a great extent, grew up around the likes and dislikes which the people entertained for France and England. In most quarters a Jacobin would have received



HOME OF HENRY CLAY, NEAR LEXINGTON

a warm welcome, but a Tory would have stood no more chance in Kentucky than a witch in Salem. Clay, in his early life, bore an inveterate hatred towards England. The impressions of early childhood could not be effaced. The love of Jefferson for France dominated Kentucky sentiment. Opposition to the Jay treaty only served to make more enthusiastic that sentiment. Clay unhesitatingly placed himself in the fore-front of his admirers. Feeling against the Adams administration of both foreign and domestic affairs became a consuming flame. "The Whiskey Rebellion" in Pennsylvania was fanned into a rumor that troops would be sent to Kentucky. Men of such prominence as Harry Innes, Caleb Wallace, Isaac Shelby and George Nicholas held to this view. James Morrison, the attached friend of Clay, made affidavit that the reason the Federal Government was not notified of the Spanish Conspiracy was through no sense of guilt but for fear that the Government would send troops into the state. The local sentiment is somewhat glimpsed by the action of a mob which assembled on the public square, and put into circulation ten flaming resolves, one of which read as follows:

"Resolved, that thar es sufishment resen to beleev, and we doe beleev, that our leeberte es in daingur, and we plege owselves too eche othur,

and too ower country, that wee wiel defende um aginst ene unconsta-tushonal ataks that ma bee made upon um."

These were times when public opinion in Kentucky was in a state of transition. The election of Jefferson, however, had a tendency to produce a more substantial state of quietude. James Morrison wrote to John Breckinridge, then a senator in Congress: "Times are greatly changed and I am glad of it." For eight years the rule of Jefferson in Kentucky was supreme. Clay was outspoken in his praise of Jefferson for having secured the Louisiana territory, and could see no violation of the Constitution in that transaction. Writing to Breckinridge he said he thought the support which Kentucky had given to that act would raise the state in the estimation of the East, where Kentucky loyalty had been seriously questioned. In 1808 Clay introduced into the Kentucky Legislature a series of resolutions to the effect that the administration of Jefferson "Had been wise, dignified, and patriotic, and merits the approbation of the country." A contrary resolution introduced by Humphrey Marshall received only one vote. Another resolution was also introduced by Clay, and carried by an almost unanimous vote, thanking Jefferson for his wise administration of foreign affairs, and the passage of the "Embargo Act." It would scarcely be termed a violent presumption if it be presumed that Clay in after life regretted this act of blind fealty.

The political situation in Kentucky at time of the arrival of Clay, and for several years thereafter has been thus sketched for the purpose of showing the early political convictions of the man that in after years was to change practically every conviction he announced in early life, and whose influence was so great he was able to carry with him, even though at times reluctantly, a majority of the voters of the state. No Kentuckian ever got closer to the people than Clay. It has often been remarked that John C. Breckinridge was his rival in this regard, but it must be remembered that Breckinridge rode on the crest of popular opinion while Clay had to stem the tide.

The close of the Jefferson administration found Clay the leader of democracy in the West. In 1810 he resigned from the Senate, and announced himself a candidate for the House of Representatives, his announcement containing this popular appeal:

"In presenting myself to your notice, I conform to sentiments I have invariably felt, in favor of the station of an immediate representative of the people."

With Jefferson in retirement, as Speaker of the House, Clay stepped at once from state to a national leader. Firm in his early convictions he carried the Madison administration into a second war with England. In that humiliating struggle Kentucky was the first to respond to the call for volunteers. However unpopular was this war with New England, Kentucky never wavered. Although the flower of her young manhood had fallen in many of the ill-timed combats into which they were led, Clay remained the popular idol. At no time in his life, perhaps, did his transcendental influence over men show a greater advantage than it did in the long struggle that ensued in Congress during this war. But for Clay it must have been lost at the outset, and but for his continued support it must have been lost in the end.

The close of the war with England found Clay as staunch a democrat as he had been before. For Jefferson he held that same worshipful esteem that he had held from boyhood. One of the most eloquent passages that has come down to us from the Clay of this period, was made in defense of Jefferson against the aspersions cast upon him by the Federalists, particularly the attack of Josiah Quincy. For many years it was a favorite piece of declamation in the schools of Kentucky. Turn-

ing from a vehement attack on Napoleon he addressed his remarks to Quincy with equal fervor, as he recounted the services of Jefferson to his country:

"Neither his retirement from public office, nor his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. Sir, in 1801 he snatched from the rude hand of usurpation the violated Constitution of his country, and that is his crime. He preserved that instrument in form, and substance, and spirit, a precious inheritance for generations to come; and for this he can never be forgiven. How vain and impotent is party rage directed against such a man. He is not more elevated by his lofty residence upon the summit of his favorite mountain than he is lifted, by the serenity of his mind, and the consciousness of a well-spent life, above the malignant passions and bitter feelings of the day."

Now the undisputed leader in Kentucky, the intimate associate and friend of John C. Calhoun, and, so far as we may judge, holding no animosity against Jackson, there was found necessary but little effort on his part to hold Kentucky in the hollow of his hand. Although the era of good feeling was everywhere recognized, it is none the less true that beneath the surface there were currents and cross currents being formed that must ultimately reverse the whole course of Clay's life. There were not wanting straws that indicated the wind was shifting from the South to the North so far as he was concerned. There were signs which indicated that his early conceptions and convictions concerning decentralization were gradually undergoing a change. An intimate association with national affairs, coupled with the more assertive attitude of the South, were gradually, perhaps unconsciously, leading him towards the Hamiltonian theory of government. Whether because Monroe had rejected him for Secretary of State, and substituted Adams instead may not be pinioned as a point where the Monroe-Clay-Adams break began, but it is certain it was the attitude of Monroe towards Internal Improvements that brought into being the militant Clay of the next thirty years. The Monroe administration brought to the surface three subjects that were dear to Clay, and for those three subjects he was ready to wage battle to the end—Internal Improvements, Protection of American Industries and the Preservation of the Union. Jefferson favored protection to American industries; Isaac Shelby had put himself on record in favor of protection. In some respects it was a democratic conception. Internal Improvements was regarded as unconstitutional, and, therefore, smacked more of Federalism than Democracy. In his great speech in Congress in opposition to the Monroe position on Internal Improvements, a new Clay was transfigured before the American people, a Clay whose whole life was to be spent in compromise, if needs be, if he might preserve the Union. He had reached the cross-roads of public life, and the road he chose is thus indicated:

"No man deprecates more than I do the idea of consolidation, yet between separation and consolidation, painful as would be the alternative, I should greatly prefer the latter."

With the delivery of this speech the Clay of decentralization died. Having put his hand to the plow he never looked backward. For twenty years he had encountered no lines of resistance in Kentucky. Would Kentucky follow the new Clay; or would she remain bound to the democracy of Jefferson? Although yet a democrat in name, it was evident a new leaven was at work. For one man to reverse the convictions of a lifetime was not impossible, but for him to carry with him a whole commonwealth seemed improbable. To follow blindly is one thing, to require a torch to light the way is quite another. The national road was vital to Kentucky. Protection was no less vital to the hemp and flax

producers. The attitude of Monroe threatened both of these. Ere discovered Kentucky was in a state of political transition. Self-interest may have wrought an unconscious influence, but none the less Clay was their champion. Without markets and the facilities for transportation financial disaster seemed certain. In the public mind there was a general shifting of positions. Webster had turned from free trade to protection, and Calhoun must needs in the exigencies of the times turn from Internal Improvements, and repudiate a tariff measure as unconstitutional and worthy of nullification. New alignments were being made everywhere, and new parties must soon result. From the outset it was apparent that Clay would carry the state with him, not without opposition, as in the old days, but as a militant leader. With the new Clay was born the Clay of history.

Pascal said "to foresee is to rule." Reviewing the lives of Clay's contemporaries, after the lapse of nearly a century, the impartial critic finds much to support the conclusion that he was endowed with a greater vision than any of those who fought with or fought against him. He will never be numbered among the great constructive statesmen, letting judgment be confined to the times in which he lived, but viewed in the light of development no public man of the ante-bellum period favored more measures that have been incorporated into the permanent policies of the nation than did he. The period of the Missouri Compromise found the life-long friends of Clay, gradually leaning toward the perpetuation of slavery in the state. For Clay to combat opposition from his old friends, and institute an entirely new national policy at the same time, was an undertaking of no mean proportions. If he could not maintain the loyal support of his own state, surely he must disappear as a national figure. The future course of the idol of Kentucky was one of the most daring in the history of American politics. That he had been discredited by the Adams alliance none knew better than Clay. Although Jackson had lost many friends in Kentucky on account of the charges he had laid against the Kentucky soldiers at New Orleans, he had, as all recognized, a large and enthusiastic following in the state. The Jackson adherents were early in the field for his nomination in 1828. Kentucky was among the first to join in the movement. A convention of Jackson followers, presided over by Dr. Robert J. Breckinridge, in a state convention assembled to nominate William T. Barry for governor, succeeded in passing a resolution directing the Kentucky delegates at the forthcoming national convention to vote for Jackson as the democratic nominee. In this action, many of the leaders in which had been his personal friends, Clay recognized a direct challenge for supremacy in the state. Barry had been his personal friend, and had been turned against him by the "bargain and corruption" propaganda. The attitude of Breckinridge gave him no little concern. The campaign that followed was one of hard-hitting on both sides. Barry was defeated by a small vote, but the fact that a whig candidate had been successful in a state where there had been practically no opposition before gave to Clay a new place in the affection of his followers. The congressional elections of the next year, however, were disappointing. Out of a total of twelve, ten were for Jackson and two for Clay. In the election of 1831, however, there were eight Jackson adherents and four Clay, with a majority of twelve in favor of Clay in the General Assembly of the state. Thus it will be seen the disasters of the Adams administration, and Clay's connection therewith, his general change of policy, while it had placed him in a position of embarrassment, only served to demonstrate the great hold he had on Kentucky opinion, and when, in 1832, he carried the state by 7,000 over Jackson, he resumed his old position of leader.

Out of the Jackson administration a new issue engaged the support



of Clay. Jackson was an inveterate foe of the Bank of the United States. As Jackson was absolutely devoid of economic sagacity, it may be inferred that his opposition was founded more in prejudice than reason. Clay's position in Kentucky, however, had become supreme, and was never to be again shaken during his public career. Notwithstanding the fact that Barry was appointed postmaster general by Jackson because he opposed Clay, and Richard M. Johnson, the hero of the Tecumseh myth, was nominated for Vice President with Van Buren, at the instance of Jackson, Kentucky could not be drawn away from Clay. The attitude of Crittenden in 1848, poignant as was the resentment which it occasioned the enfeebled old man, was the result of expediency rather than a decline in affection on the part of Crittenden. And as if in resentment of what seemed to be a betrayal in the convention which nominated Taylor, Kentucky returned Clay to the Senate as the last hope of a despairing nation, bent on self-destruction.

The evidences of grief that were made manifest when the state realized that he had passed from among her people, and that his counsels could no more be at hand, were genuine tokens of love which a grateful people entertained for their most illustrious fellow-citizen, but the influence of Clay upon the political life of Kentucky, consisted not alone in the sway he exerted during his life, in part, it may have been, by the spell of his magnetic personality, but in the unconscious, permeating influence it has exerted since his death, and is now exerting. More closely analyzed the life of Clay did not present all of the inconsistencies with which it has been charged. The student of affairs in Kentucky is not ignorant of the fact that Governor Shelby said in the early period of statehood, "we should extend the fostering care of government to our infant industries." Jefferson had uttered the same sentiments. So had Calhoun. When Clay, therefore, became the champion of the "American System" he was merely pushing to the front an issue that he had cherished since his first entry into public life. Many of the charges of inconsistency that were laid at the door of Clay found origin in the minds of those who had themselves been more guilty than he.

That Clay loved Kentucky, and Kentuckians, no less than they loved him, was made manifest on every proper occasion. Among the most eloquent of the passages that have been preserved to us is a recital of his public life, and the support his own people had given him. It is worthy a permanent place in the annals of the state. He said, referring to the period of his public life in which he had been bitterly assailed:

"During that long period you have beheld our country passing through scenes of peace and war, of prosperity and adversity, of party divisions, local and general, the one often greatly exasperated against the other. I have been an actor in most of those scenes. Throughout the whole of them you have clung to me with an affectionate confidence which has never been surpassed. I have found in your attachment, in every embarrassment in my public career, the greatest consolation, and the most encouraging support. I should regard the loss of it as one of the great public misfortunes that could befall me. That I have often misconceived your true interest is highly probable. That I have sacrificed them to the object of personal aggrandisement I utterly deny. And, for the purity of my motives, however, in other respects I may be unworthy to approach the throne of Grace and Mercy, I appeal to the justice of my God, with all the confidence that can flow from a consciousness of perfect rectitude."

Strong and marked as were the exchanges of confidence and affection between him and his people, in retrospect Clay did not hold the attachments of Kentucky by the force of his dominating personality alone. Statement, often stronger than argument, is all that is sufficient

to demonstrate the truth of this expression. For thirty years he was the acknowledged champion of the "American System." He believed that the infant industries of the country needed the fostering care and support of a protective tariff. To be sure he knew but little about economic subjects. It is doubtful if he had ever read Adam Smith. That he suffered under the cold, analytical dissection of Webster, then a free-trader, is not a matter of wonderment, but that he was able to overcome all opposition, and to see a tariff for revenue established as one of the permanent policies of the country, is a tribute to his power of foresight. While he himself had opposed rechartering the Bank of the United States, before the War of 1812, in 1816, with the light of a war experience, and deflation everywhere apparent, he became the most ardent supporter of that institution. Jackson triumphed in the end, so long as his sway was dominant, but the conception of Hamilton, the advocacy of Clay is the more perfected system of national currency and banking which exists today, and as we gradually approach a system adapted to the needs of the ever increasing demands of an expansive growth, the more we appreciate the far-seeing wisdom of Hamilton and Clay as the exponents of a national currency of uniform value. As the advocate of Internal Improvements, however, Clay must always hold the premiership. In his allegiance to this principle he never wavered. The vetoes of Monroe, the opposition of Jackson, the deflection of Calhoun could not weaken or abate his ardor. Under no conditions did he ever show his knowledge of constitutional limitations to the extent that he did in combating the foes of governmental aid to public improvements. And, notwithstanding the fact that he was baffled and defeated in his most cherished undertakings, it is one of the indisputable revelations of events that no principle of government is today more securely established than the constitutionality of government aid to public improvements. When it is remembered that even after the Civil war the national platform of the democratic party contained a clause to the effect that any system of Internal Improvements was without constitutional sanction, coupled with the fact that within the past decade a larger sum was appropriated for Internal Improvements by a democratic Congress than hitherto in the history of the nation, another striking contribution is made to the foresight of Clay as a statesman, and the ultimate triumph of a vision. He died triumphant in the belief that he had preserved the Union. The great tragedy that had haunted him from the days of the Missouri Compromise he did not live to see. But never was his influence on Kentucky greater than it was in the days when the state wavered between Union and Secession. If many of his friends cast their fortunes with the South, many of those who had opposed him adhered to the Union. That Kentucky did not secede was due more to the surviving influence of Clay than to any other one factor. In the moment of supreme test the passion of her great son triumphed. It was the impression of Lincoln that the triumph of national unity would be most difficult if Kentucky cast her lot with the South, and while her position of neutrality was somewhat inconsistent, the moral influence was sufficient to steady the trembling knees of the North. Time has too perfectly demonstrated the wisdom of his position on slavery to permit even a reference to his stand on that great issue. The leaven of the Kentucky Resolutions in the end accomplished in a test of arms that which for three-quarters of a century compromise and reason could not accomplish.

It would not be an idle assertion to say that Clay is a more potent influence in Kentucky today than he has been since his death. Those things for which he stood are national accomplishments. Kentucky may not hold the place in the national councils it held when it had diplomats

in foreign fields, when it had representatives in nearly every administration, whether democratic or whig, when it had vice presidents and was breeding presidents and candidates for presidents; the glory of the older day may have cast into shadow the latter day, but that Kentucky may yet be ruled by the ashes in the urn planted in the heart of his beautiful homeland, and again take her place in the council of the nation, justifies the indulgence of a hope that may end in fruition.

CHARLES KERR.

CHAPTER LXXII  
GOVERNORS OF KENTUCKY

FIRST TERM

1. Isaac Shelby, Democratic-Republican—June 4, 1792-June 7, 1796.

SECOND AND THIRD TERMS

2. James Garrard, Democratic-Republican—June 7, 1796-June 1, 1804.

FOURTH TERM

3. Chistopher Greenup, Democratic-Republican—June 1, 1804-June 1, 1808.

FIFTH TERM

4. Charles Scott, Democratic-Republican—June 1, 1808-June 1, 1812.

SIXTH TERM

Isaac Shelby, Democratic-Republican—June 1, 1812-June 1, 1816.

SEVENTH TERM

5. George Madison, Democratic-Republican—June 1, 1816-October 14, 1816.
6. Gabriel Slaughter, Democratic-Republican—October 21, 1816-June 1, 1820.

EIGHTH TERM

7. John Adair, Democratic-Republican—June 1, 1820-June 1, 1824.

NINTH TERM

8. Joseph Desha, Democratic-Republican—June 1, 1824-June 1, 1828.

TENTH TERM

9. Thomas Metcalfe, National Republican—June 1, 1828-June 1, 1832.

ELEVENTH TERM

10. John Breathitt, Democrat—June 1, 1832-February 21, 1834.
11. James T. Morehead, Democrat—February 22, 1832-June 1, 1836.

TWELFTH TERM

12. James Clark, Whig—June 1, 1836-September 27, 1839.
13. Charles A. Wickliffe, Whig—October 5, 1839-June 1, 1840.

THIRTEENTH TERM

14. Robert P. Letcher, Whig—June 1, 1840-June 1, 1844.

FOURTEENTH TERM

15. William Owsley, Whig—June 1, 1844-June 1, 1848.

FIFTEENTH TERM

16. John J. Crittenden, Whig—June 1, 1848-July 31, 1850.
17. John L. Helm, Democrat—July, 1850-September, 1851.

SIXTEENTH TERM

18. Lazarus W. Powell, Democrat—September, 1851-September, 1855.

## SEVENTEENTH TERM

19. Charles S. Morehead, American—September, 1855-September, 1859.

## EIGHTEENTH TERM

20. Beriah Magoffin, Democrat—September, 1859-August, 1862.  
 21. James F. Robinson, Democrat—August, 1862-September, 1863.

## NINETEENTH TERM

22. Thomas E. Bramlette, Democrat—September, 1863-September, 1867.

## TWENTIETH TERM

- John L. Helm, Democrat—September 3, 1867-September 8, 1867.  
 23. John W. Stevenson, Democrat—September 13, 1867-February 13, 1871.

## TWENTY-FIRST TERM

24. Preston H. Leslie, Democrat—February 13, 1871-September, 1875.

## TWENTY-SECOND TERM

25. James B. McCreary, Democrat—September, 1875-September, 1879.

## TWENTY-THIRD TERM

26. Luke B. Blackburn, Democrat—September, 1879-September, 1883.

## TWENTY-FOURTH TERM

27. J. Proctor Knott, Democrat—September, 1883-September, 1887.

## TWENTY-FIFTH TERM

28. Simon B. Buckner, Democrat—September, 1887-September, 1891.

## TWENTY-SIXTH TERM

29. John Young Brown, Democrat—September, 1891-December, 1895.

## TWENTY-SEVENTH TERM

30. William O. Bradley, Republican—December, 1895-December, 1899.

## TWENTY-EIGHTH AND TWENTY-NINTH TERMS

31. William S. Taylor, Republican—December, 1899-January 31, 1900.  
 32. William Goebel, Democrat—January 31, 1900-February 3, 1900.  
 33. J. C. W. Beckham, Democrat—February 3, 1900-December, 1907.

## THIRTIETH TERM

34. Augustus E. Willson, Republican—December, 1907-December, 1911.

## THIRTY-FIRST TERM

- James B. McCreary, Democrat—December 12, 1911-December 7, 1915.

## THIRTY-SECOND TERM

35. Augustus O. Stanley, Democrat—December 7, 1915.  
 36. James D. Black, Democrat, succeeded Governor Stanley, upon resignation of the latter, and served as governor—May, 1919-December, 1919.

## THIRTY-THIRD TERM

37. Edwin P. Morrow, Republican—December, 1919-December, 1923.

## BIOGRAPHIES OF THE GOVERNORS

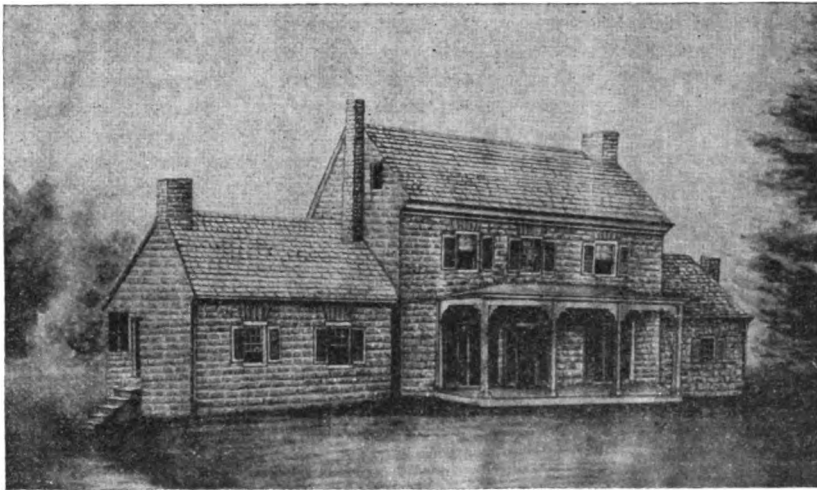
1. *Isaac Shelby*. For biographical sketch, see chapter "For Whom Counties Were Named," and under Shelby County. At p. 713 and fol-

lowing, Vol. 2, *History of Kentucky*, by Collins, there is a good biographical sketch of Governor Shelby.

2. *James Garrard*. For biographical sketch, see chapter "For Whom Counties Were Named," and under Garrard County. At p. 289, Vol. 2, *History of Kentucky*, by Collins, there is a biographical sketch of James Garrard.

3. *Christopher Greenup*. For biographical sketch, see chapter "For Whom Counties Were Named," and under Greenup County. At p. 303, Vol. 2, *History of Kentucky*, by Collins, there is a biographical sketch of Christopher Greenup.

4. *Charles Scott*. For biographical sketch, see chapter "For Whom Counties Were Named," and under Scott County. At p. 706, Vol. 2,



TRAVELERS REST, HOUSE OF ISAAC SHELBY, IN LINCOLN COUNTY  
(Courtesy of The Filson Club)

*History of Kentucky*, by Collins, there is a biographical sketch of Charles Scott.

5. *George Madison* was born in Augusta County, Virginia, 1763. He was son of John and Agatha (Strother) Madison. He was brother of James Madison, first bishop of Virginia. He emigrated to Kentucky at an early age, and in 1780 was member of a militia organization to defend settlements from the attacks of Indians. He was in command of a company of cavalry under Maj. John Adair, and also in the force of General St. Clair. November 6, 1792, he was wounded near Ft. St. Clair. He was a born soldier. In the Northwestern army, under General Winchester, he bore the rank of major and was in battle of Frenchtown, January 18, 1813. On January 22 he was made a prisoner at the defeat of the Americans at the River Raisin. He was sent to Quebec, but was released in 1814. He did not get back to his adopted state until after the close of the War of 1812, at which time he made his home at Paris, Bourbon County. He was elected governor of Kentucky in 1816 as the successor to Isaac Shelby. He died at Paris, Kentucky, October 14, 1816, and was succeeded as governor by Gabriel Slaughter.

6. *Gabriel Slaughter* was born in Virginia about the year 1767, and died in Mercer County, Kentucky, September 19, 1830. He was among the early emigrants to Kentucky. He was a farmer, and in this pursuit

was skillful and successful. He was member of the Kentucky House of Representatives from Mercer County, 1799-1800, and was a member of the Kentucky Senate from 1801 to 1808. He was colonel of a Kentucky regiment in the battle of New Orleans, and for gallantry on the field receive the thanks of the Legislature. He was elected Lieutenant-Governor of Kentucky in 1808, serving four years. He was re-elected Lieutenant-Governor in 1816. On the death of Governor Madison he became Governor of Kentucky, serving from October 21, 1816, to June 1, 1820.

7. *John Adair*. For biographical sketch see chapter "For Whom Counties Were Named," and under Adair County. At p. 32, Vol. 2, *History of Kentucky* by Collins, there is a biographical sketch of John Adair.

8. *Joseph Desha* was born in Pennsylvania, December 9, 1768. Died at Georgetown, Kentucky, October 11, 1842. Came to Kentucky in 1771. Was volunteer in expedition against Northwest Indian under General Wayne, 1794-5. Was member of Kentucky House of Representatives from Mason County in 1797, 1799, 1800, 1801, 1802. He fought in the battle of Thames, where he bore the rank of major-general. He was member of Congress from Kentucky in 1807 to 1819, and was governor of Kentucky from 1824 to 1828.

9. *Thomas Metcalfe*. See Chapter of Biographies of United States Senators from Kentucky for biographical sketch of Thomas Metcalfe.

10. *John Breathitt*. For biographical sketch of John Breathitt see chapter "For Whom Counties Were Named," and under Breathitt County. Also see p. 95, Vol. 2, *History of Kentucky*, by Collins, for biographical sketch of John Breathitt.

11. *James Turner Morehead* was born near Shepherdsville, Bullitt County, Kentucky, May 24, 1797. He died at Covington, Kentucky, December 28, 1854. He was a son of Armstead Morehead. About the year 1800 his parents removed to Russellville, Logan County, where he studied law under Judge H. P. Broadnax and Hon. John J. Crittenden. Before studying law he attended the Transylvania University from 1813 to 1815. He was admitted to the Bar in 1818, and began the practice of his profession at Bowling Green. He represented Warren County in the Kentucky House of Representatives, 1828 to 1830. In 1832, on the ticket with John Breathitt for governor, Morehead was candidate for lieutenant-governor, to which position he was elected. Governor Breathitt died February, 1834, when Morehead became governor of Kentucky, serving out the Breathitt term. He represented Franklin County in the House of Representatives in 1837. From 1838 to 1841 he was president of the Board of Internal Improvements of Kentucky. In 1839 he was made a commissioner, with Col. John Speed Smith, of Madison, to secure the enactment of a law in Ohio for the proper disposition of slaves fleeing from their masters in Kentucky. He was elected to the United States Senate in 1841 to fill the place left vacant by John J. Crittenden, who declined to serve. After the expiration of his term in the Senate he practiced law in Covington, Kentucky. In 1840 he delivered an address on the first settlers of Kentucky, which is one of the authorities on Kentucky history. There is a good biographical sketch of Governor Morehead in Collins' *History of Kentucky*, Vol. 2, p. 437. See, also, chapter on biographical sketches of United States Senators from Kentucky.

12. *James Clark* was born near the Peaks of Otter, Bedford County, Virginia, in 1779, son of Robert and Susan Clark. Died in Franklin,

Kentucky, August 27, 1839. In 1797 he began the practice of law at Winchester, Kentucky. He was frequently elected a member of the State Legislature. He was Judge of the Court of Appeals, 1810-1812. Member of Congress, 1813 to 1816, and from 1825 to 1831. Judge of Circuit Court, 1817 to 1824. He was a member of Kentucky Senate in 1832. There is a sketch of the life of Governor Clark at pages 132, 133, Vol. 2, Collins' *History of Kentucky*.

13. *Charles A. Wickliffe* was born in a log cabin on Sulphur River, six miles southwest of the present town of Springfield, Washington County, Kentucky, June 8, 1788, and died at residence of his son-in-law, Howard County, Maryland, October 31, 1869, aged eighty-one years. His mother was a sister of Col. John Hardin. His opportunities for education were very limited. When he was seventeen he went to Bardstown where he attended a grammar school taught by Rev. Dr. Wilson. He was two years in this school. He then had instruction for nine months from Rev. Dr. James Blythe, acting president of the Transylvania University. He was inclined to the law, which he studied in the office of his cousin, Gen. Martin D. Hardin. He began the practice of his profession at Bardstown. The bar of that town at that time was the ablest west of the Alleghany Mountains with the possible exception of Lexington. John Rowan, John Pope, Ben Hardin, John Hayes, and other eminent lawyers were members of the bar at Bardstown, but Mr. Wickliffe soon attained a high place in the estimation of the people and the bar for his ability. He volunteered as a private in the War of 1812, but was appointed aide on the staff of General Winlock. He was at the battle of Thames in 1812. He was elected to the Kentucky House of Representatives and re-elected in 1813. He was again elected in 1820 and 1821. In 1823 he was elected to Congress and was re-elected continuously to 1833. In 1825 he voted for Gen. Andrew Jackson for President in opposition to John Quincy Adams, the choice of President having revolved on the House of Representatives of the Congress of the United States. In 1833-34-35, he was member of Kentucky House of Representatives. He was chosen speaker in 1834. In 1836 he was elected lieutenant-governor as a whig. Upon the death of Governor James Clark, Mr. Wickliffe became governor. He served from October 5, 1839, to June 1, 1840. He was postmaster general of the United States in the cabinet of President Tyler, September 13, 1841, to March 3, 1845. In the year of 1845 he was sent by President Polk on a secret mission to Texas, and is said to have had much to do in the annexation of Texas to the United States. In 1849 he was member of Constitutional Convention which formed the Third Constitution of Kentucky. In February, 1861, he was selected by the Legislature as a member of peace conference at Washington, and was in the same year elected to Congress. He was the democratic candidate for governor in 1863, but was defeated by Col. Thomas E. Bramlette. There is a biographical sketch of Governor Wickliffe in Collins' *History of Kentucky*, Vol. 2, pages 647-648.

14. *Robert P. Letcher*. For biographical sketch of Robert P. Letcher see chapter "For Whom Counties Were Named," and under Letcher County. At p. 464, Vol. 2, *History of Kentucky*, by Collins, there is a brief biography of Robert P. Letcher.

15. *William Owsley*. For biographical sketch of William Owsley see chapter "For Whom Counties Were Named," and under Owsley County. At p. 674, Vol. 2, *History of Kentucky*, by Collins, there is a biographical sketch of William Owsley.



16. *John J. Crittenden*. See Chapter Biographies of United States Senators from Kentucky for sketch of John Jordon Crittenden. Also see chapter "For Whom Counties Were Named," and under Crittenden County, for sketch of John J. Crittenden. At p. 147, Vol. 2, *History of Kentucky*, by Collins, there is a biographical sketch of John J. Crittenden.

17. *John Larue Helm* was born in Hardin County, Kentucky, July 4, 1802, on a farm upon which his grandfather, a Kentucky pioneer from Virginia, had settled in 1781. He was educated in the common schools. At an early age he was employed in the office of the Clerk of the Circuit Court of his county, where he studied law. He was admitted to practice in 1823, and rose rapidly to first rank as a lawyer. He was county attorney for Hardin County sixteen years. He was elected to the House of Representatives of Kentucky Legislature in 1826 and was returned at every succeeding election up to 1844. He was elected Speaker of the House six times. He was elected to three terms in Kentucky State Senate. He was on the ticket for lieutenant-governor in 1848 and was elected. John J. Crittenden being elected governor at the same time. Crittenden was appointed to the position of attorney-general of the United States by President Fillmore. Upon his acceptance of that office, Helm became governor. In 1854 he was made president of the Louisville and Nashville Railroad which was then uncompleted and much embarrassed for funds. In six years of administration of Governor Helm it was completed and placed on a substantial and enduring financial basis. He was chairman of the State Convention at Louisville, January, 1861, which declared that Kentucky would remain neutral in the Civil war. In 1867 he was nominated by the democratic party as a candidate for governor of Kentucky and was elected. His health was broken and he was barely able to take the oath of office at his home on the 3rd of September of that year. The oath was administered by Governor Thomas E. Bramlette. He died on the 8th of September, 1867. Governor Helm was married to Lucinda, daughter of Ben Hardin, one of the most famous lawyers of Kentucky. To this union there were born twelve children.

18. *Lazarus W. Powell*. See chapter "For Whom Counties Were Named," for sketch of Lazarus W. Powell, and under Powell County. Also see chapter on Biographies of United States Senators from Kentucky for sketch of Lazarus W. Powell. Also see p. 681, Vol. 2, *History of Kentucky*, by Collins.

19. *Charles Slaughter Morehead* was born in Nelson County, Kentucky, July 7, 1802; died near Greenville, Mississippi, December 23, 1868. He was the son of Charles and Margaret (Slaughter) Morehead. He graduated from Transylvania University. He studied law and began the practice of his profession in Christian County. In 1828-29 he was member of House of Representatives in the Kentucky Legislature. From 1832 to 1837 he was attorney-general of Kentucky. From 1838 to 1842 he was member of House of Representatives in Kentucky Legislature; also in 1844 to 1853. He was Speaker of the House in 1840, 1841 and 1844. He was a member of Congress as a Whig, from 1847 to 1851. He was elected governor in 1855. At the expiration of his term he moved to Louisville and again took up the practice of law. He was member of Peace Conference at Washington, February, 1861. He was in favor of neutrality at the beginning of the Civil war. Later he favored the cause of secession; was arrested and imprisoned. In 1862 he returned home, but learning that he was to be re-arrested, went to Canada. After the war he went to his plantation near Greenville, Mississippi. With Judge Mason Brown, he prepared a digest of the statutes of Kentucky up to 1834. This digest contained four volumes.

20. *Beriah Magoffin*. For biographical sketch see chapter "For Whom Counties Were Named," and under Magoffin County. At p. 536, Vol. 2, *History of Kentucky*, by Collins, there is a sketch of Beriah Magoffin.

21. *James Fisher Robinson* was born in Scott County, Kentucky, October 4, 1800. He was the son of Johnathan and Jane (Black) Robinson. His great grandfather was a Dissenter and lived in Ireland. His son, George Robinson, was born there. George Robinson married a Scotch woman and moved to America. He settled in Cumberland County, Pennsylvania. He was a soldier in the Revolutionary war, and was captain of volunteers a portion of the time. He purchased a tract of land in Scott, Kentucky, upon which he settled in 1796. It was on this tract of land that James F. Robinson was born. The boy was first under private tutors. Later he was sent to Forest Hill Academy, from which institution he entered Transylvania University, where he graduated in 1818. Immediately after his graduation he entered the law office of Hon. William T. Barry, at Lexington, where he studied law. When admitted to the bar he began the practice of law at Georgetown, where he lived the remainder of his life. In 1851 he was elected to the State Senate. He was again elected in 1861. In 1862 he was elected Speaker of the Senate. As there was no lieutenant-governor he assumed the duties of governor upon the resignation of Governor Beriah Magoffin. Governor Robinson was intensely loyal to the Union, and his administration is celebrated for the courage with which he discharged every duty regardless of consequences. He retired from public office at the close of his term as governor and moved on an estate near Georgetown which he had named Cardome. He gave much of his attention to this estate but did not relinquish the practice of law. He was an eminent lawyer and connected with many of the celebrated law cases of the state in his day. He died on his plantation near Georgetown in 1892.

22. *Thomas E. Bramlette* was born in Cumberland County, Kentucky, January 3, 1817, and died at Louisville, Kentucky, January 12, 1875. He was educated in the common schools of his county, after which he studied law. He was admitted to the bar in 1837. In 1841 he was elected member of the Kentucky House of Representatives. In 1849 he was made attorney-general of Kentucky. This position he held for two years. In 1852 he removed to Columbia, Adair County, Kentucky. Here he was in the successful practice of his profession until 1856, when he was elected Judge of the Sixth Judicial District. When the Civil war came on he resigned his office as judge and raised the Third Kentucky Volunteer Infantry, and was made its colonel. In 1862 he was appointed United States District Attorney for Kentucky by President Lincoln to succeed James Harlan. It was under his administration as United States District Attorney, that Thomas C. Shacklett was tried and convicted of treason for aiding the rebels. Shacklett was a resident of Meade County. He was sentenced to imprisonment for ten years but was pardoned in 1864. Mr. Bramlette was commissioned a major general in 1863. It was while organizing his division that he was nominated as the Union candidate for governor of Kentucky. He was elected by a large majority and served his full term. It is the general verdict that he was a good governor, fair to all and never manifesting a partisan spirit. He dealt with the offender of one army in the same way as he did with those in the other. The delegation from Kentucky to the National Convention in 1864 was instructed to vote for Bramlette for Vice President, but he declined the nomination. At the expiration of his term as governor he resumed the practice of law in Louisville. He was a very able jurist. He was twice married; in 1837 to Sallie Travis. After her death, and

on June 3, 1874, he married Mary E. Adams, daughter of Dr. C. C. Graham of Louisville.

23. *John White Stephenson*. For biographical sketch see chapter on Biographies of Senators from Kentucky. At p. 438, Vol. 2, *History of Kentucky*, by Collins, there is a biographical sketch of John W. Stephenson.

24. *Preston H. Leslie* was born in Clinton County, Kentucky, March 8, 1819. He was educated in the common schools, which in his day were very inferior. He depended more upon his own efforts and largely educated himself. In his early life he had to struggle with poverty and hardship. He secured a deputyship in the office of county clerk of Clinton County. He read law in the office of Senator Maxey and when admitted to the bar entered on the practice of his profession in Monroe County. He continued in this practice from 1842 to 1853, when he moved to Glasgow. Between the years 1844 and 1871 he was frequently elected to the Kentucky Legislature and was chosen Speaker of the House in 1871, and at the same time was made ex officio lieutenant-governor. When John W. Stevenson was elected to United States Senate, Leslie became acting governor of the state. In 1871 he was made the democratic nominee for governor and was elected. He was appointed Territorial Governor of Montana in 1887 by President Cleveland. Governor Leslie was one of those faithful, diligent men who never shirked a duty. He was a man of the highest integrity. His public career was distinguished for the conscientious discharge of every duty which fell upon him. Died February 8, 1907.

25. *James B. McCreary*. For biographical sketch see chapter "For Whom Counties Were Named" and under McCreary County. Also see chapter on Biographies of United States Senators from Kentucky.

26. *Luke P. Blackburn* was born in Woodford County, Kentucky, June 16, 1818; died September 14, 1887. He was the son of Edward M. Blackburn who was a planter in that county. He was a physician. He graduated from the medical department of the Transylvania University at Lexington. And he began the practice of his profession at Lexington. He first came into prominence in 1835 when cholera raged in Versailles. Some of the physicians of the town died and others left. Doctor Blackburn alone fought the disease until the health of the community was restored. For this service he made no charge. It brought him a large practice, however, when later he made the town his home. In 1843 he was elected to the Legislature from Woodford County. In 1846 he removed to Natchez, Mississippi, where he practiced his profession. Yellow fever made its appearance at New Orleans in 1848. He established a quarantine at Natchez where he bought and equipped a hospital at his own expense. He prevailed upon Congress to establish a hospital at Natchez, of which he was placed in charge and where he served for several years. He prevented an outbreak of yellow fever at Natchez in 1854 by a rigid quarantine. Through his efforts a quarantine line was established below New Orleans. In 1856 Doctor Blackburn visited New York City. While there, yellow fever was introduced from an infected ship in the vicinity of Fort Washington on Long Island. Doctor Blackburn rendered great service in stamping out this menace, for which he refused compensation. In 1857 he visited the hospitals of England, Scotland, France and Germany, and when he returned he located at New Orleans and resumed the practice of medicine. In the Civil war he served on the staff of Gen. Sterling Price as surgeon. In 1867 he engaged in farming in Arkansas where his wife owned a plantation. While there, yellow fever appeared at Memphis, and Doctor Black-

burn rendered distinguished aid to the city in the management of that plague. From Arkansas he returned to Kentucky and was elected governor of the state in 1879, serving until 1883. Doctor Blackburn was twice married. First to Ella Guest Boswell, daughter of Dr. Joseph Boswell, of Lexington. She died in November, 1855. In 1857 he married Julia M. Churchill. By her he had one child, a son, Dr. Cary B. Blackburn.

27. *J. Proctor Knott* was born in Marion County, Kentucky, August 29, 1830. He was early inclined to the law, which he studied in an office at Lebanon. After his admission to the bar he moved to Missouri. This was in May, 1850. He was admitted to the bar in Missouri and began the practice of law; and he was elected to the House of Representatives in Missouri in 1857. This position he resigned in August, 1859. He was immediately appointed attorney-general of the State of Missouri. At the expiration of his term he was nominated by the democratic party and elected to the position in 1862. In 1863 he returned to Lebanon, where he engaged in the practice of law. In his profession he was very successful. He was elected as a democrat to the Fortieth, Forty-first, Forty-fourth, Forty-fifth, Forty-sixth and Forty-seventh Congresses. In 1883 he was nominated by the democratic party as its candidate for governor of Kentucky, to which position he was elected, serving one full term of four years. He was noted for his eloquence. His speech in Congress on some question connected with the City of Duluth established his fame as an orator and wit. Was member of Constitutional Convention, 1890. Dean of Law Faculty, Centre College, Danville, Kentucky, 1892-94. Died June 18, 1911.

28. *Simon B. Buckner* was born in Hart County, Kentucky, April 1, 1823. He was appointed a cadet to West Point in 1840. He graduated from that institution in 1844. Upon his graduation he was assigned as second lieutenant to the Second Regiment of the United States Infantry. In 1845 he was appointed Professor of Ethics at West Point. From this position he was released at his own request to enlist as a soldier in the War with Mexico. He served under Gen. Zachary Taylor and was in all the campaigns of that famous general. In 1847 he was attached to division of General Worth. Reaching Vera Cruz in January, he took part in the siege of that city and in the battles of Cerro Gordo, San Antonio, Cherubusco and Molino del Rey about the City of Mexico. In all these battles he exhibited courage and ability as a soldier and was breveted first lieutenant and later captain for gallantry in these engagements. At the close of the war with Mexico he was made assistant instructor of infantry tactics at the United States Military Academy, which position he held from 1848 to 1855. He was in the regular army in the operations against the Indians from 1855 to 1860. In 1860-61 he held chief command of Kentucky State Guards with the rank of major general. He resigned this position to go into the military service of the Southern Confederacy. He was captured early in the struggle at Fort Donelson, after the death of Gen. A. S. Johnston, 1862, and imprisoned at Indianapolis and at Fort Warren, near Boston, for five months, when he was exchanged and returned to Richmond. He was promoted to the rank of major general and sent to General Bragg who was then at Chattanooga. He was at battles of Mumfordsville and Perryville. He was in charge of the defense at Mobile. At the close of the war he was in charge of the Department of the Southwest, and bore the rank of lieutenant-general. General Buckner was a man of the highest character. Was one of the pall-bearers at General Grants' funeral in 1885. He had surrendered to Grant at Donelson. He was selected by the great soldier himself. Between these opposing veterans there existed the warmest personal friendship. Member Constitutional Convention, 1890. In 1896

he was nominated for Vice President on the Gold ticket with John M. Palmer, of Illinois. Died January 8, 1914.

29. *John Young Brown*, was born in Claysville, Hardin County, Kentucky, June 28, 1835. Died in Henderson County, January 11, 1904. He graduated from Centre College, Danville, Kentucky, in 1855. He immediately began the study of law, and when qualified was admitted to the bar. He was elected to Congress in 1859, but was unable to obtain his seat for the reason that he had not attained the constitutional age for a representative in Congress. He was again elected to Congress in 1868; at this time his seat was refused him because of political disabilities incurred during the Civil war. These were later removed and he was elected to Congress in 1873, and served until 1877. At the end of his Congressional term in 1877, he again took up the practice of law. In 1891 he was elected governor of Kentucky on the democratic ticket and served until the expiration of his term in 1895. Was candidate on Independent ticket against William Goebel, democrat, and W. S. Taylor, republican, 1899, but was defeated. He died January 11, 1904.

30. *William O. Bradley*. For biographical sketch see chapter on Biographies of United States Senators from Kentucky.

31. *William Sylvester Taylor* was born in Butler County, Kentucky, October 10, 1853. Son of Sylvester Taylor. He was educated in the common schools of Butler County. He married Sarah B. Tanner, February 10, 1878. He was clerk of Butler County Court from 1882 to 1886. He was county judge of Butler County from 1886 to 1894. He was attorney-general of Kentucky from 1895 to 1899. He was elected governor of Kentucky in 1900, but removed from that office by the Kentucky General Assembly. Mr. Taylor is a republican and lives now at Indianapolis, Indiana.

32. *William Goebel* was born in Carbondale, Pennsylvania, in 1845. Died at Frankfort, Kentucky, February 3, 1900. His parents moved to Covington, Kentucky, in 1866. He was educated at Gambier College, Gambier, Ohio, and at the Cincinnati Law School. Upon his admission to the bar he formed a partnership with Governor John G. Stephenson. In 1876 he formed a law partnership with John G. Carlisle. His practice was principally against the large corporations and he gained the reputation of a friend of the people. In 1888 he was elected to the Kentucky State Senate, and was re-elected successively up to 1900. By his efforts a law was passed making gambling a felony in Kentucky. He secured the right for cities of the second class to erect and maintain free public libraries. He was the author and sponsor of the law creating a state Electoral Commission. He was nominated by the democratic party for governor in 1899. One of the bitterest political campaigns ever witnessed in Kentucky ensued. William S. Taylor, the republican candidate, was elected on the face of the returns and was inaugurated. The election was contested by Goebel, and on the 30th of January, 1900, a test vote in the Legislature indicated that he would be successful in his contest, but on that same day while on his way to the capitol he was shot. Both houses of the Kentucky Legislature declared him elected to the office of governor. Three days after this declaration he died from the effect of the gun shot wound which he had received on the 30th. He was succeeded as governor by J. C. W. Beckham, who had taken the oath of office as lieutenant-governor.

33. *J. C. W. Beckham*. For biographical sketch see chapter on Biographies of United States Senators from Kentucky.

34. *Augustus Everett Willson* was born at Maysville, Kentucky, October 13, 1846. Son of Hiram and Ann Colvin (Ennis) Willson. He received from Harvard the degree of A. B. in 1869, and from the same institution the degree of A. M. in 1872. He attended the Harvard Law School in 1870, and he also studied law in the offices of Lothrop, Bishop & Lincoln in Boston. Later, he studied law under John M. Harlan in Louisville, Kentucky. Harvard conferred on him the degree of LL. D. in 1908. He married Mary Elizabeth, daughter of Col. James Ekin of the United States Army, July 23, 1877. Mr. Willson was chief clerk in the Department of the United States Treasury from December, 1875, to August, 1876. He was the republican nominee for Congress in the Fifth Kentucky District in 1884, 1886, 1888, 1892. He was delegate to the Republican National Conventions held in 1884, 1888, 1892, and 1904. He was the nominee of the republican party for governor of the state in 1907 and was elected, serving the full term of four years. Mr. Willson lives at Louisville, Kentucky.

35. *Augustus O. Stanley*. For biographical sketch see chapter on Biographies of United States Senators from Kentucky.

36. *James Dixon Black* was born in Knox County, Kentucky, September 24, 1849. Son of John C. and Clarissa (Jones) Black. Tusculum College, Greenville, Tennessee, conferred on him the degree of A. B. and LL. D. Married Mary Jeanette Pitzer of Barbourville, Kentucky in 1875. He was member of firm of Black & Owen, lawyers, Barbourville, Kentucky. President of bank of John A. Black, Barbourville. Member of Kentucky House of Representatives, 1876-7. Superintendent Public Schools, Knox County, 1884. Commissioner from Kentucky to World's Fair, Chicago, 1893. Was appointed assistant attorney-general of Kentucky in 1912. Elected lieutenant-governor of Kentucky, November, 1915. He succeeded to the governorship when Governor A. O. Stanley resigned upon his election to United States Senate and served as governor from May to December, 1919. Defeated for election by Edwin P. Morrow, republican. President of Union College, Barbourville, 1910-1912. Member of Kentucky State Bar Association, democrat. Governor Black lives in Barbourville.

37. *Edwin P. Morrow* was born November 28, 1878, in Somerset, Pulaski County, Kentucky. Son of Judge T. Z. and Jennie (Crasson) Morrow. He was educated at St. Marys College, St. Marys, Kentucky, and at the Williamsburg Kentucky Institute. Received the degree of LL. B. from Cincinnati Law School in 1900. In July, 1905, he was married to Katharine Hall Waddell of Somerset, Kentucky. He began the practice of law at Somerset as a member of the firm of Morrow & Morrow. In 1907 he was the republican candidate for governor of Kentucky. He was United States District Attorney for the eastern district of Kentucky from 1911 to 1915. By the republican caucus he was nominated for United States Senator from Kentucky in 1912. He was elected governor of Kentucky, November, 1919, for a term of four years. He was second lieutenant, Fourth Kentucky Volunteers, in the Spanish-American war. Governor Morrow belongs to the Presbyterian Church. He is a member of the Masonic Fraternity, of the Odd Fellows and Knights of Pythias lodges, and of the Elks Club. Governor Morrow's home is at Somerset.

## CHAPTER LXXIII

### UNITED STATES SENATORS FROM KENTUCKY

#### Second Congress—1791-1793

John Edwards. [Took his seat November 5, 1792; term to expire, as determined by lot, March 3, 1795.]

John Brown. [Took his seat November 5, 1792; term to expire, as determined by lot, March 3, 1793.]

#### Third Congress—1793-1795

John Edwards; John Brown.

#### Fourth Congress—1795-1797

John Brown; Humphrey Marshall.

#### Fifth Congress—1797-1799

John Brown; Humphrey Marshall.

#### Sixth Congress—1799-1801

John Brown; Humphrey Marshall.

#### Seventh Congress—1801-1803

John Brown; John Breckinridge.

#### Eighth Congress—1803-1805

John Brown; John Breckinridge.

#### Ninth Congress—1805-1807

John Breckinridge. [Resigned August 7, 1805, to become attorney general of the United States under President Jefferson.]

John Adair. [Elected to fill vacancy in term ending March 3, 1807, caused by resignation of John Breckinridge, and took his seat December 9, 1805; resigned, 1806.]

Henry Clay. [Elected to fill vacancy in term ending March 3, 1807, caused by resignations of John Breckinridge and John Adair, and took his seat December 29, 1806.]

Buckner Thruston.

#### Tenth Congress—1807-1809

Buckner Thruston; John Pope.

#### Eleventh Congress—1809-1811

Buckner Thruston. [Resigned December 18, 1809.]

Henry Clay. [Elected to fill vacancy caused by resignation of Buckner Thruston, and took his seat February 5, 1810.]

John Pope.

#### Twelfth Congress—1811-1813

John Pope; George M. Bibb.

#### Thirteenth Congress—1813-1815

George M. Bibb. [Resigned August 23, 1814.]

George Walker. [Appointed to fill vacancy caused by resignation of George M. Bibb, and took his seat October 10, 1814.]

William T. Barry. [Elected to fill vacancy caused by resignation of George M. Bibb, and took his seat February 2, 1815.]

Jesse Bledsoe. [Resigned December 24, 1814. In response to personal inquiry, Senate passed resolution January 20, 1815, declaring seat vacant. (See Senate Election Cases, edition of 1903, p. 175.)]

Isham Talbot. [Elected to fill vacancy caused by resignation of Jesse Bledsoe, and took his seat February 2, 1815.]

#### Fourteenth Congress—1815-1817

William T. Barry. [Resigned in 1816.]

Martin D. Hardin. [Appointed to fill vacancy caused by resignation of William T. Barry, and took his seat December 5, 1816; subsequently elected.]

Isham Talbot.

#### Fifteenth Congress—1817-1819

Isham Talbot.

John J. Crittenden. [Resigned March 3, 1819.]

#### Sixteenth Congress—1819-1821

Richard M. Johnson, Great Crossings. [Elected to fill vacancy caused by resignation of John J. Crittenden in preceding Congress, and took his seat January 3, 1820.]

William Logan. [Resigned November 27, 1820.]

Isham Talbot. [Elected to fill vacancy caused by resignation of William Logan, and took his seat November 27, 1820.]

#### Seventeenth Congress—1821-1823

Richard M. Johnson, Great Crossings; Isham Talbot, Frankfort.

#### Eighteenth Congress—1823-1825

Richard M. Johnson, Great Crossings; Isham Talbot, Frankfort.

#### Nineteenth Congress—1825-1827

Richard M. Johnson, Great Crossings; John Rowan, Louisville.

#### Twentieth Congress—1827-1829

Richard M. Johnson, Great Crossings; John Rowan, Louisville.

#### Twenty-first Congress—1829-1831

John Rowan, Louisville; George M. Bibb, Yellow Banks.

#### Twenty-second Congress—1831-1833

George M. Bibb, Yellow Banks; Henry Clay, Lexington.

#### Twenty-third Congress—1833-1835

George M. Bibb, Yellow Banks; Henry Clay, Lexington.

#### Twenty-fourth Congress—1835-1837

Henry Clay, Lexington; John J. Crittenden, Frankfort.

#### Twenty-fifth Congress—1837-1839

Henry Clay, Lexington; John J. Crittenden, Frankfort.

#### Twenty-sixth Congress—1839-1841

Henry Clay, Lexington; John J. Crittenden, Frankfort.

#### Twenty-seventh Congress—1841-1843

Henry Clay. [Resigned March 31, 1842.]

John J. Crittenden. [Elected to fill vacancy caused by resignation of Henry Clay, and took his seat March 31, 1842.]

James T. Morehead, Covington.



## Twenty-eighth Congress—1843-1845

James T. Morehead; John J. Crittenden.

## Twenty-ninth Congress—1845-1847

James T. Morehead; John J. Crittenden.

## Thirtieth Congress—1847-1849

John J. Crittenden. [Resigned June 12, 1848.]

Thomas Metcalfe. [Appointed to fill vacancy caused by resignation of John J. Crittenden, and took his seat July 3, 1848; subsequently elected.]

Joseph R. Underwood, Bowling Green.

## Thirty-first Congress—1849-1851

Joseph R. Underwood; Henry Clay.

## Thirty-second Congress—1851-1853

Joseph R. Underwood.

Henry Clay. [Tendered his resignation December 15, 1851, "to take effect on the first Monday of September, 1852;" died June 29, 1852.]

David Meriwether. [Appointed July 6, 1852, to fill vacancy caused by death of Henry Clay and to serve "until the time the resignation of Henry Clay takes effect"; took his seat July 15, 1852, and served until the adjournment of the session, August 31, 1852.]

Archibald Dixon. [Elected December 30, 1851, to fill vacancy anticipated by resignation of Henry Clay; credentials presented and he appeared to qualify December 6, 1852; the seat was vacant until December 20, 1852, when a resolution was adopted declaring him duly elected "to fill the vacancy occasioned by the resignation of Mr. Clay," and entitled to the seat; took his seat the same day.]

## Thirty-third Congress—1853-1855

Archibald Dixon, Henderson; John B. Thompson, Harrodsburg.

## Thirty-fourth Congress—1855-1857

John B. Thompson; John J. Crittenden.

## Thirty-fifth Congress—1857-1859

John B. Thompson; John J. Crittenden.

## Thirty-sixth Congress—1859-1861

John J. Crittenden; Lazarus W. Powell, Henderson.

## Thirty-seventh Congress—1861-1863

Lazarus W. Powell.

John C. Breckinridge. [Expelled by resolution of December 4, 1861.]

Garrett Davis, Paris. [Elected to fill vacancy caused by expulsion of John C. Breckinridge, and took his seat December 23, 1861.]

## Thirty-eighth Congress—1863-1865

Lazarus W. Powell; Garrett Davis.

## Thirty-ninth Congress—1865-1867

Garrett Davis; James Guthrie, Louisville.

## Fortieth Congress—1867-1869

Garrett Davis.

James Guthrie. [Resigned February 7, 1868.]

Thomas C. McCreery, Owensboro. [Elected to fill vacancy caused by resignation of James Guthrie, and took his seat February 28, 1868.]

## Forty-first Congress—1869-1871

Garrett Davis; Thomas C. McCreery.

## Forty-second Congress—1871-1873

Garrett Davis. [Died September 22, 1872.]

Willis B. Machen. [Appointed to fill vacancy caused by death of Garrett Davis, and took his seat December 2, 1872.]

John W. Stevenson, Covington.

## Forty-third Congress—1873-1875

John W. Stevenson; Thomas C. McCreery.

## Forty-fourth Congress—1875-1877

John W. Stevenson; Thomas C. McCreery.

## Forty-fifth Congress—1877-1879

Thomas C. McCreery; James B. Beck, Lexington.

## Forty-sixth Congress—1879-1881

James B. Beck; John S. Williams, Mount Sterling.

## Forty-seventh Congress—1881-1883

James B. Beck; John S. Williams.

## Forty-eighth Congress—1883-1885

James B. Beck; John S. Williams.

## Forty-ninth Congress—1885-1887

James B. Beck; Joseph C. S. Blackburn, Versailles.

## Fiftieth Congress—1887-1889

James B. Beck; Joseph C. S. Blackburn.

## Fifty-first Congress—1889-1891

James B. Beck. [Died May 3, 1890.]

John G. Carlisle, Covington. [Elected to fill vacancy caused by death of James B. Beck, and took his seat May 26, 1890.]

Joseph C. S. Blackburn.

## Fifty-second Congress—1891-1893

Joseph C. S. Blackburn.

John G. Carlisle. [Resigned February 4, 1893, to become Secretary of Treasury.]

William Lindsay, Frankfort. [Elected to fill vacancy caused by resignation of John G. Carlisle, and took his seat February 21, 1893.]

## Fifty-third Congress—1893-1895

Joseph C. S. Blackburn; William Lindsay.

## Fifty-fourth Congress—1895-1897

Joseph C. S. Blackburn; William Lindsay.

## Fifty-fifth Congress—1897-1899

William Lindsay; William J. Deboe, Marion.

## Fifty-sixth Congress—1899-1901

William Lindsay; William J. Deboe.

## Fifty-seventh Congress—1901-1903

William J. Deboe; Joseph C. S. Blackburn.

## Fifty-eighth Congress—1903-1905

Joseph C. S. Blackburn; James B. McCreary, Richmond.

## Fifty-ninth Congress—1905-1907

Joseph C. S. Blackburn; James B. McCreary.

## Sixtieth Congress—1907-1909

James B. McCreary; Thomas H. Paynter, Greenup.

## Sixty-first Congress—1909-1911

Thomas H. Paynter; William O. Bradley, Louisville.

## Sixty-second Congress—1911-1913

Thomas H. Paynter; William O'Connell Bradley.

## Sixty-third Congress—1913-1915

William O'Connell Bradley. [Died May 23, 1914.]

Ollie M. James, Marion.

Johnson Newlon Camden. [Appointed to fill vacancy caused by death of William O. Bradley.]

## Sixty-fourth Congress—1915-1917

Ollie M. James; J. Crepps Wickliffe Beckham.

## Sixty-fifth Congress—1917-1919

J. Crepps Wickliffe Beckham.

Ollie M. James. [Died August 28, 1918.]

George Brown Martin. [Appointed September 7, 1918, to serve out the unexpired term of Ollie M. James.]

## Sixty-sixth Congress—1919-1921

J. Crepps Wickliffe Beckham; A. Owsley Stanley.

## Sixty-seventh Congress—1921-1923

A. Owsley Stanley; Richard Pretlow Ernst.

## BIOGRAPHIES OF UNITED STATES SENATORS FROM KENTUCKY

John Adair, a senator and a representative from Kentucky; born in Chester County, South Carolina, August 16, 1759; served in the Revolutionary war; moved to Kentucky in 1786; in an expedition against the Indians, under General Wilkinson in 1791 and 1792, was a major of volunteers, and in 1793 a lieutenant-colonel under General Scott; member of the Kentucky Constitutional Convention in 1792; member of the State House of Representatives for several years, and served one year as speaker; register of the United States land office; elected as a democrat to the United States Senate, to fill vacancy caused by the resignation of John Breckinridge, and served from November 8, 1805, until 1806, when he resigned; in 1813 was aid to Governor Shelby in the battle of the Thames; commander of the Kentucky rifle brigade, which served under General Jackson in 1814 and 1815, and distinguished himself in the battle of New Orleans; governor of Kentucky 1820-1824; elected as a democrat to the Twenty-second Congress (March 4, 1831-March 3, 1833); died in Harrodsburg, Kentucky, May 19, 1840.

William Taylor Barry, a representative and a senator from Kentucky; born in Lunenburg County, Virginia, February 15, 1784; was graduated from William and Mary College in 1803; studied law and began practice in Lexington, Kentucky; served in both branches of the State Legislature; elected as a democrat to the Eleventh Congress to fill a vacancy caused by the resignation of Benjamin Howard, who was appointed

territorial governor of Missouri, and served from December 13, 1810, to March 3, 1811; in the War of 1812 he was aid to Governor Shelby, and was present at the battle of the Thames, October 5, 1813; elected to the United States Senate to fill vacancy caused by the resignation of George M. Bibb, and served from December 16, 1814, until he resigned in 1816 to become judge of the Supreme Court of Kentucky; elected lieutenant governor; secretary of State of Kentucky; appointed professor of law and politics in Transylvania University, Lexington, in 1821; chief justice of the Supreme Court of Kentucky; appointed postmaster general by President Jackson, March 9, 1829, and resigned April 10, 1835; was appointed minister to Spain; died in Liverpool, England, August 30, 1835, while upon the way to Madrid; interment in Frankfort, Kentucky.

James Burnie Beck, a representative and senator from Kentucky; born in Dumfriesshire, Scotland, February 13, 1822; came to the United States with his parents, and settled in Lexington, Kentucky, in 1845; was graduated from the law school of the Transylvania University in 1846; practiced for twenty years; elected as a democrat to the Fortieth, Forty-first, Forty-second, and Forty-third Congresses (March 4, 1867-March 3, 1875); in May, 1876, appointed member of the commission to define the boundary between Maryland and Virginia; elected a United States senator in 1877, 1882, and 1888, and served from March 4, 1877, until his death in Washington, D. C., May 3, 1890.

J. Crepps Wickliffe Beckham, democrat, of Frankfort, son of W. N. and Julia Wickliffe Beckham, was born near Bardstown, Nelson County, August 5, 1869; attended school at Roseland Academy, Bardstown, and Central University, Richmond, Kentucky; received degree of LL. D. from the university in 1902; served as page in the Kentucky House of Representatives in the session of 1881-1882; in 1888 became principal of the Bardstown Public School and taught three years in that position; studied law and began to practice in 1893; same year was elected as representative of Nelson County to the General Assembly; served as such in the sessions of 1894, 1896, 1897, 1898, and in the latter session was Speaker of the House; in 1899 was democratic nominee for lieutenant governor on the ticket with William Goebel, candidate for governor, and in the contest before the General Assembly of 1900 was declared elected lieutenant governor at the same time that Goebel was declared elected governor. Upon the death of Governor Goebel, February 3, 1900, he became governor, and at the special election on November 6, 1900, was elected as the democratic nominee to fill out the unexpired term of Governor Goebel, ending December 8, 1903; in the state primary of 1903 was renominated and in the general election of November, 1903, was re-elected for a full term, ending December 10, 1907; in the state primary of November, 1906, was nominated as the democratic candidate for the United States Senate, to succeed Hon. J. B. McCreary, but in the General Assembly of 1908, was defeated by Hon. W. O. Bradley, the republican nominee; resumed, in 1908, the practice of law in Frankfort, Kentucky; in the state primary of August 1, 1914, was nominated by the democratic party for the United States Senate over Governor James B. McCreary and Congressman A. O. Stanley, and in the general election of November 3, 1914, was elected for the term beginning March 4, 1915, receiving 176,605 votes, to 144,758 for Hon. A. E. Willson, republican, and 14,108 for Hon. Burton Vance, progressive. At the democratic national conventions at St. Louis, in 1904, Denver in 1908, and Baltimore in 1912, he was a delegate from the State at Large, and member of the committee on resolutions. November 21, 1900, was married to Miss Jean Fuqua, of Owensboro, Ken-

tucky; they have two children, a daughter and a son. His term of service expired March 3, 1921. He was defeated for re-election by Richard P. Ernst.

George M. Bibb, a senator from Kentucky; born in Prince Edward County, Virginia, October 30, 1776; was graduated from Hampton-Sydney College, and from William and Mary College in 1792; studied law, admitted to the bar, and commenced practice in Lexington, Kentucky; member of the State House of Representatives and Senate; appointed judge of Kentucky Court of Appeals, January 30, 1808, and chief justice of that court May 30, 1809; served until March, 1810, when he resigned; elected to the United States Senate and served from March 4, 1811, to August 23, 1814, when he resigned; was again appointed chief justice January 5, 1827 and again resigned December 23, 1828; again elected to the United States Senate and served from March 4, 1829, to March 3, 1835; chancellor of the Louisville Chancery Court from its establishment in 1835 to 1844; Secretary of the Treasury under President Tyler, and served from July 4, 1844, to March 8, 1845; resumed the practice of law in Washington, and was an assistant in the office of the Attorney General; died in Georgetown, D. C., April 14, 1859.

Joseph Clay Stiles Blackburn, a representative and a senator from Kentucky; born in Woodford County, Kentucky, October 1, 1838; attended Sayre Institute, Frankfort, Kentucky, and was graduated from Centre College, Danville, Kentucky, in 1857; studied law, admitted to the bar in 1858, and practiced until 1861; entered the Confederate Army in 1861, and served throughout the war; resumed the practice of law in 1865; elected to the State Legislature in 1871 and 1873; elected to the Forty-fourth, Forty-fifth, Forty-sixth, Forty-seventh, and Forty-eighth congresses (March 4, 1875—March 3, 1885); elected to the United States Senate as a democrat; re-elected, and served from March 4, 1885, to March 3, 1897; again elected to the United States Senate, and served from March 4, 1901, to March 3, 1907; appointed Isthmian Canal Commissioner, 1907; resigned in 1909, and removed to his farm in Woodford County, Kentucky. He was subsequently appointed chairman of the Lincoln Memorial Association, and died while holding that position

Jesse Bledsoe, a senator from Kentucky; born in Culpeper County, Virginia, April 6, 1776; studied law and practiced in Kentucky; professor of law in the Transylvania University; secretary of state in 1808; member of the State Legislature in 1812; elected to the United States Senate and served from March 4, 1813, until his resignation, December 24, 1814; member of the State Senate, 1816-1820; circuit judge of the Lexington Circuit; removed to Mississippi and then to Texas, having abandoned the law for the ministry; died near Nacogdoches, Texas, June 30, 1837. Henry Clay said he was the most eloquent man he ever heard.

William O'Connell Bradley, a senator from Kentucky; born near Lancaster, Kentucky, March 18, 1847; attended local schools; was licensed to practice law by special act of the Legislature when eighteen years of age; was elected county attorney of Garrard County in 1870; republican candidate for Congress in 1872, and 1876, in a hopelessly democratic district; delegate at large in six republican national conventions; seconded the nomination of General Grant in 1880; defeated the motion to curtail southern representation in 1884, and seconded the nomination of Theodore Roosevelt for president in 1904; three times elected member of the Republican National Committee; received 105 votes for vice president in the convention of 1888; was indorsed for

president by the Kentucky State Convention in 1896; appointed minister of Korea in 1889, but declined; defeated for governor in 1887; elected governor in 1895; was nominated by his party for United States senator, and voted for four times prior to 1908, and in February, 1908, was elected to the United States Senate for the term ending March 4, 1915, and took his seat, March 15, 1909. Died in 1914, while in office.

John Breckinridge, a senator from Kentucky; born in Augusta County, Virginia, December 2, 1760; attended William and Mary College, 1778-1780; studied law, was admitted to the bar, and practiced; member of the General Assembly of Virginia; moved to Lexington, Kentucky, where he held several public offices, including attorney general of Kentucky in 1795, and member of the Legislature of Kentucky, 1795, and member of the Legislature, 1797-1800; elected as a democrat to the United States Senate, and served from March 4, 1801, until August 7, 1805, when he resigned to accept the position of attorney general of the United States under President Jefferson, and served until his death in Lexington, Kentucky, December 14, 1806.

John Cabell Breckinridge, a representative and a senator from Kentucky; born near Lexington, Kentucky, January 21, 1821; attended Centre College; studied law in the Transylvania Institute, and was admitted to the bar; moved to Burlington, Iowa, but soon returned, and began to practice in Lexington; major of the Third Kentucky Volunteers in the Mexican war; member of the State Legislature; elected as a democrat to the Thirty-second and Thirty-third congresses (March 4, 1851-March 3, 1855); elected vice president of the United States in 1856; defeated as a candidate for president in 1860 by Abraham Lincoln; elected to the United States Senate to succeed John J. Crittenden, whig, for the term beginning March 4, 1861; expelled, December 4, 1861; entered the Confederate Army as brigadier general, and became a major general; secretary of war of the Confederacy from January to the fall of the Confederacy in April, 1865; died in Lexington, Kentucky, May 17, 1875.

John Brown, a delegate and representative from Virginia, and a senator from Kentucky; born in Staunton, Virginia, September 12, 1757; student at Princeton College; enlisted in the Revolutionary Army and served until the close of the war; completed his studies at the William and Mary College, Virginia; taught school and studied law; commenced practice in Frankfort, Kentucky, in 1782; elected a member of the State Legislature of Virginia from the District of Kentucky in 1785; delegate from the Kentucky District of Virginia to the Continental Congresses, 1787-1788; elected to the First and Second congresses, and served from June 15, 1789, until November 5, 1792, when he took his seat in the United States Senate from the newly-admitted state of Kentucky; re-elected, and served from June 18, 1792, to March 3, 1805; elected president of the Senate pro tempore, October 17, 1803, and January 23, 1804; was a member of the Local Board of War for the District of Kentucky in 1791; first member of Congress from the Mississippi Valley; died in Frankfort, Kentucky, August 27, 1838.

Johnson Newlon Camden, of Kentucky, was born at Parkersburg, West Virginia, on the 5th day of January, 1865, the son of Johnson Newlon and Ann Thompson Camden. His father represented the State of West Virginia in the United States Senate from 1881 to 1887, and from 1893 to 1895. He was educated at the Episcopal High School, at Alexandria, Virginia; Phillips Academy, at Andover, Massachusetts; the Virginia Military Institute, at Lexington, Virginia; the Columbia

Law School, New York City; and the summer law school at the University of Virginia. He was married to Miss Susanna Preston Hart on the 16th of October, 1888, and has resided since 1890 at Spring Hill Farm, near Versailles, in Woodford County, Kentucky, where he has been engaged in farming, breeding and raising of fine cattle and thoroughbred horses, and he is also interested in the coal fields of Eastern Kentucky, in the opening and development of which he has been largely instrumental. He was appointed by Governor James B. McCreary as senator from Kentucky on the 16th day of June, 1914, to fill the vacancy occasioned by the death of Senator William O. Bradley, his appointment under the law extending until the November election, 1914, at which election he was the democratic nominee for senator for the unexpired term ending March 4, 1915, and was elected over his two opponents, he having received 177,797 votes; William Marshall Bullitt, the republican candidate receiving 133,139 votes; and George Nicholas, the progressive candidate, receiving 13,641 votes.

John Griffin Carlisle, a representative and a senator from Kentucky; born in Campbell (now Kenton) County, Kentucky, September 5, 1835; attended the common schools; studied law and was admitted to the bar in March, 1858; member of the State House of Representatives, 1859-1861; elected to the State Senate in 1866 and re-elected in August, 1869; delegate-at-large to the Democratic National Convention in New York in July, 1868; lieutenant governor of Kentucky, served from August, 1871, to September, 1875; alternate presidential elector at large in 1876; elected to the Forty-fifth, Forty-sixth, Forty-seventh, Forty-eighth, Forty-ninth, Fiftieth and Fifty-first congresses and served from March 4, 1877, to May 26, 1890, when he resigned; speaker of the House of Representatives in the Forty-eighth, Forty-ninth and Fiftieth congresses; elected to the United States Senate, to fill vacancy caused by the death of James B. Beck, and took his seat, May 26, 1890; resigned, February 21, 1893; secretary of the treasury, 1893-1897; moved to New York City, and practiced law; died in New York City, July 31, 1910; interment in Linden Grove Cemetery, Covington, Kentucky.

Henry Clay, a representative and a senator from Kentucky; born in Hanover County, Virginia, April 12, 1777; attended public schools, and studied law in Richmond, Virginia; admitted to the bar in 1797, and commenced practice in Lexington, Kentucky; member of the State House of Representatives in 1803; elected a United States senator to fill the vacancy caused by the resignation of John Adair; served from November 19, 1806, to March 3, 1807; again a member of the State House of Representatives, 1808-1809, and served as speaker the last year; again elected United States senator to fill the vacancy caused by the resignation of Buckner Thruston, and served from January 4, 1810, to March 3, 1811; elected a representative to the Twelfth and Thirteenth congresses (March 4, 1811-March 3, 1815); was speaker of the House from November 4, 1811, to January 19, 1814, when he resigned; appointed one of the commissioners to negotiate a treaty of peace with Great Britain; re-elected to the Fourteenth, Fifteenth and Sixteenth congresses, and served as speaker from December 4, 1815, until October 28, 1820, when he resigned; elected to the Eighteenth Congress (March 4, 1823-March 3, 1825); was speaker from December 1, 1823, until the end of the Congress; appointed by President John Quincy Adams, Secretary of State and served from March 7, 1825 to March 3, 1829; again elected to the United States Senate; reelected and served from March 4, 1831, to March 31, 1842, when he resigned; defeated as the Whig candidate for President by Andrew Jackson in 1832, and again by James K. Polk in 1844; again elected to the United States Senate

and served from March 4, 1849, until his death in Washington, D. C., June 29, 1852.

John Jordan Crittenden, a senator and representative from Kentucky; born near Versailles, Woodford County, Kentucky, September 10, 1787; was graduated from William and Mary College in 1806; attorney general of Illinois Territory 1809-1810; served in War of 1812 as aid to Governor Shelby; practiced law in Russellville, Kentucky; member of the state house of representatives in 1811-1817, and was speaker the last term; United States senator from Kentucky, and served from March 4, 1817, to March 3, 1819, when he resigned; removed to Frankfort, Kentucky, in 1819, served several years in the state house of representatives; appointed United States district attorney in 1827, but was removed by President Jackson in 1829; again United States senator and served from March 4, 1835, to March 3, 1841; appointed attorney general of the United States by President Harrison, and served from March 5, 1841, to September 13, 1841; again appointed United States senator, to fill the vacancy caused by the resignation of Henry Clay; subsequently elected to fill the vacancy and served from March 31, 1842, to June 12, 1848, when he resigned; elected governor of Kentucky in 1848 and served until July 22 1850, when he resigned; again appointed attorney general, and this time by President Fillmore, and served from July 22, 1850, to March 7, 1853; again elected United States senator and served from March 4, 1855, to March 3, 1861; elected as a unionist to the Thirty-seventh Congress (March 4, 1861-March 3, 1863); died in Frankfort, Kentucky, July 26, 1863.

Garrett Davis, a representative and a senator from Kentucky; born in Mount Sterling, Kentucky, September 10, 1801; completed preparatory studies; employed in the office of the county clerk of Montgomery County and afterwards of Bourbon County; studied law, was admitted to the bar in 1823, and practiced in Paris, Kentucky; member of the state house of representatives in 1833-1835; delegate in the state constitutional convention of 1839; elected as a Henry Clay whig to the Twenty-sixth, Twenty-seventh, Twenty-eighth, and Twenty-ninth congresses (March 4, 1839-March 3, 1847); declined reelection and resumed his professional and agricultural pursuits; declined the nomination for lieutenant governor on the ticket headed by John J. Crittenden in 1848; delegate to the State Constitutional Convention in 1849; elected as an old-line whig to the United States Senate to fill vacancy caused by the Senate expelling John C. Breckinridge; was reelected and served from December 10, 1861, until his death, in Paris, Kentucky, September 22, 1872.

William Joseph Deboe, a senator from Kentucky; born in Crittenden County, Kentucky, June 30, 1849; attended the public and academic schools of the State and Ewing College, Illinois; studied law and afterwards studied medicine, and was graduated from the Medical University of Louisville; practiced a few years, when his health failed; renewed the study of law, was admitted to the bar; served as superintendent of schools of Crittenden County; delegate to the national republican convention in Chicago in 1888; member of the Republican State Central Committee twelve years; defeated for Congress in 1892; state senator 1893-1898; delegate at large to the Republican National Convention in St. Louis in 1896, and chairman of the delegation; elected as a republican to the United States Senate and served from March 4, 1897, to March 3, 1903.

Archibald Dixon, a senator from Kentucky; born in Caswell County, North Carolina, April 2, 1802; moved with his father to Henderson County, Kentucky, in 1805; attended the common schools; studied law



and was admitted to the bar, and began to practice in Henderson, Kentucky; member of the state house of representatives in 1830 and 1841 and of the State Senate in 1836; lieutenant governor in 1843; member of the state constitutional convention in 1849; elected as a whig to the United States Senate to fill vacancy caused by the death of Henry Clay, and served from September 1, 1852, until March 3, 1855; delegate to the Frankfort peace convention in 1863; died in Henderson, Kentucky, April 23, 1876.

John Edwards, a senator from Kentucky; born in Stafford County, Virginia, in 1755; moved to Fayette County, Kentucky, in 1780; member of the state house of representatives 1781-1783 and 1785; delegate to the state convention to ratify the Federal Constitution, June 26, 1788; a delegate in the eight conventions called to define the limits of the new State of Kentucky, 1785-1788, and in the convention of 1792 that framed the constitution of Kentucky; elected to the United States Senate and served from June 18, 1792, to March 3, 1795; died upon his plantation in Bourbon County, Kentucky, in 1837.

Richard Pretlow Ernst, republican, of Covington, Kentucky, where he was born on the 28th day of February, 1858, son of William and Sarah Butler Ernst and where he has since lived; prepared for college at Covington and at Chickerings Academy, Cincinnati, Ohio, where he graduated in 1874; after spending four years at Centre College, Danville, Kentucky, he graduated there in 1878 with the degree of B. A.; his legal education was received at the law school of the University of Cincinnati, has since practiced law in Kentucky and Ohio; in 1886 he married Susan Brent, daughter of Hugh Taylor Brent, of Covington, Kentucky, and has two children—William Ernst and Sarah Ernst Darnall, wife of John Palmer Darnall; at the election of November 2, 1920, he received 454,226 votes for senator, to 449,244 for his opponent, Senator J. Crepps Wickliffe Beckham, democrat.

James Guthrie, a senator from Kentucky; born in Nelson County, Kentucky, December 5, 1792; attended McAllister's academy, Bardstown, Kentucky; studied law was admitted to the bar, and practiced in Bardstown, Kentucky; appointed commonwealth attorney in 1820 and moved to Louisville; member of the State Legislature for several years, serving in both branches; delegate and chosen president of the Kentucky Constitutional Convention; president of the University of Louisville, the Louisville and Portland Canal Company, and the Louisville and Nashville Railroad Company; appointed secretary of the treasury March 7, 1853, and served until March 5, 1857; elected as a democrat to the United States Senate, and served from March 4, 1865, to February 7, 1868, when he resigned; died in Louisville, Kentucky, March 13, 1869.

Martin Davis Hardin, a senator from Kentucky; born on the Monongahela River, Western Pennsylvania, June 21, 1780; pursued an academic course; studied law, was admitted to the bar, and began practice in Franklin County, Kentucky; for a number of years a state representative; secretary of state of Kentucky 1812-1816; served as major in the War of 1812; appointed and subsequently elected as a democrat to the United States Senate to fill vacancy caused by the resignation of William T. Barry, and served from November 13, 1816, to March 3, 1817; died in Frankfort, Kentucky, October 8, 1823.

Ollie M. James, democrat, of Marion, was born in Crittenden County, Kentucky, July 27, 1871; educated in the common and academic schools; page in the Kentucky Legislature, session of 1887; studied law under his father, L. H. James; was admitted to the bar in 1891; was one

of the attorneys for Governor Goebel in his celebrated contest for governor of the State of Kentucky; delegate to the Democratic National Convention at Chicago, 1896, and delegate from the state at large to the Democratic National Convention at Denver, Colorado, in 1908, and elected chairman of the Kentucky delegation at all three conventions; made a speech seconding the nomination of William J. Bryan for President of the United States; served as chairman of the state convention of Kentucky in 1900 which sent delegates to the democratic national convention at Kansas City; was married December 2, 1903, to Miss Ruth Thomas, of Marion, Kentucky; was elected to the Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first congresses, and reelected to the Sixty-second Congress; was nominated for United States Senator by democratic party of Kentucky in state-wide primary July 1, 1911, to succeed Senator T. H. Paynter; was elected to the Senate by the Kentucky Legislature on January 9, 1912, for the term of six years beginning March 4, 1913; was delegate from the state at large and elected permanent chairman of the Democratic National Convention held in Baltimore, Maryland, which nominated Governor Woodrow Wilson for President, and made speech notifying him of his nomination. He died at Johns Hopkins Hospital, Baltimore, in the year 1918, after a lingering illness.

Richard Mentor Johnson, a representative and a senator from Kentucky; born in Bryant's Station, Kentucky, October 17, 1781; attended Transylvania University; studied law, was admitted to the bar in 1802, and began practice in Great Crossings, Kentucky; member of the State Legislature 1804-1807; elected as a democrat to the Tenth, and to the five succeeding congresses (March 4, 1807-March 3, 1819); during his term of congressional service was commissioned colonel of Kentucky Volunteers, and commanded a regiment under Gen. William H. Harrison in the expeditions and engagements in Lower Canada in 1813; participated in the battle of the Thames, October 5, 1813, and Congress, by resolution of April 4, 1818, presented him a sword in recognition of "the daring and distinguished valor displayed by himself and the regiment of volunteers under his command in charging and essentially contributing to vanquish the combined British and Indian forces" in this battle; elected to the United States Senate, to fill vacancy caused by resignation of John J. Crittenden; reelected and served from December 10, 1819, to March 3, 1829; reelected to the Twenty-first, and to the three succeeding Congresses (March 4, 1829-March 3, 1837); vice president of the United States March 4, 1837-March 3, 1841, chosen by the senate; defeated for vice president on the democratic ticket in 1840; state representative; died in Frankfort, Kentucky, November 19, 1850.

William Lindsay, a senator from Kentucky; born in Rockbridge County, Virginia, September 4, 1835; settled in Clinton, Hickman County, Kentucky, in November, 1854; studied law, was admitted to the bar, and commenced practice in Clinton in 1858; served in the Confederate army from July, 1861, till May, 1865, and was captain in the second Tennessee Infantry, paroled as prisoner of war at Columbus, Mississippi, May 16, 1865; resumed the practice of law in Clinton, Kentucky; elected state senator in August, 1867; elected judge of the Kentucky Court of Appeals in August, 1870; served until September, 1878; from September, 1876, until September, 1878, chief justice of the court; practiced law in Frankfort, Kentucky, elected state senator in August, 1889; member of the World's Columbian Commission from its organization until February 20, 1893; appointed a member of the Interstate Commerce Commission in January, 1892, but declined; elected as a democrat to the United States Senate, to fill the vacancy caused by the resignation of John G. Carlisle; reelected in January, 1894; and served from February

15, 1893, until March 3, 1901; moved to New York City and resumed the practice of law; in March, 1901, appointed United States commissioner to the St. Louis Exposition; died in Frankfort, Kentucky, October 15, 1909.

William Logan, a senator from Kentucky; born within fort at Harrod's Fort, Kentucky, December 8, 1776; spent early childhood in the fort at St. Asaphs, receiving private instructions from parents and tutors; moved with parents to Shelby County, Kentucky, about 1798; studied law and was admitted to the bar; delegate to the state constitutional convention in 1799; member of the state house of representatives and chosen speaker two terms 1803-1806, and 1808-1809; twice chosen judge of the court of appeals, and served 1808-1812; a presidential elector in 1809, 1813, and 1817; elected to the United States Senate and served from March 4, 1819, until 1820, when he resigned to become a candidate for governor; was defeated for governor; died in Harrodsburg, Kentucky, August 8, 1822.

James Bennett McCreary, a representative and a senator from Kentucky; born in Madison County, Kentucky, July 8, 1838; was graduated from Centre College, Danville, Kentucky, in 1857; studied law, was graduated from the law department of Cumberland University, Tennessee, in 1859, and commenced practice in Richmond, Kentucky, in 1860; entered the Confederate army in 1862, and was lieutenant colonel of the Eleventh Kentucky Cavalry at the close of the war; presidential elector on the democratic ticket in 1868, but declined; delegate in the democratic national convention held in New York City, July 4, 1868; member of the house of representatives of Kentucky 1869, 1871, and 1873, and served as speaker in 1871, and reelected speaker in 1873; elected governor in May, 1875; and served from August, 1875, to September, 1879; appointed by the President a delegate to the international monetary conference held in Brussels, Belgium, in 1892; elected as a democrat to the Forty-ninth and to the five succeeding congresses (March 4, 1885-March 3, 1897); delegate in the democratic national convention held in Kansas City in 1900, and chairman of the state democratic committee in the campaign of 1900; elected as a democrat to the United States Senate in 1902, and served from March 4, 1903, until March 3, 1909; elected governor of Kentucky in 1912.

Thomas Clay McCreery, a senator from Kentucky; born in Daviess County, Kentucky, December 12, 1816; attended the common schools; studied law, and was admitted to the bar; presidential elector on the democratic ticket in 1852; elected as a democrat to the United States Senate to fill vacancy caused by the resignation of James Guthrie, and served from February 19, 1868, to March 3, 1871; reelected to the United States Senate and served from March 4, 1873, to March 3, 1879; died in Owensboro, Kentucky, July 10, 1890.

Willis Benson Machen, a senator from Kentucky; born in Caldwell County, Kentucky, April 10, 1810; attended the common schools; engaged in farming; delegate to the constitutional convention of 1849; member of the State Senate in 1854; served in the state house of representatives in 1856 and 1860; elected to the first and second Confederate congresses; appointed as a democrat to the United States Senate, to fill vacancy caused by the death of Garrett Davis, and served from September 27, 1872, to March 3, 1873; died in Louisville, Kentucky, September 28, 1893.

Humphrey Marshall, a senator from Kentucky; born in Fauquier County, Virginia, in 1756; pursued classical studies; captain in the Virginia cavalry in the Revolutionary war; moved to Kentucky, and studied

law; delegate to the state constitutional convention; member of the state house of representatives for several years; elected as a federalist to the United States Senate, and served from March 4, 1795, to March 3, 1801; died near Frankfort, Kentucky, July 1, 1841.

George Brown Martin, democrat; born in Prestonsburg, Floyd County, Kentucky, August 18, 1876; when about one year of age his parents removed to Catlettsburg, Boyd County, Kentucky, where he has since resided; was educated in the public schools of Catlettsburg, and graduated in the year 1895 at Central University, Richmond, Kentucky, receiving the degree of Bachelor of Arts; has practiced law in Catlettsburg, Boyd County, Kentucky, and in the Federal and Supreme courts of Kentucky, and the Circuit Court of Appeals of the United States since 1900; served as county judge of Boyd County in the year 1904 and as a member of the Council of National Defense for Kentucky during the year 1917; was a member of the law firm of Brown and Martin from 1900 to 1909; when the senior member of the firm, Hon. T. R. Brown, died, he assumed entire control of the business; was appointed September 7, 1918, by Governor Stanley, of Kentucky, to serve out the unexpired term of the late Senator Ollie M. James, such term expiring March 4, 1919; he is a grandson of John P. Martin, who came from Virginia in 1828 and settled at Prestonsburg, Kentucky, where he soon became a leader in the affairs of the commonwealth, being elected to and served two terms with the United States Congress; he is the son of Alexander L. Martin, who served with distinction in the State Senate of Kentucky, after whom the county of Martin when established by an act of the Legislature of Kentucky was named; on the maternal side he is the grandson of George N. Brown, who was for many years circuit judge of the Twenty-second Judicial District of Kentucky; Senator Martin is not married.

David Meriwether, a senator from Kentucky; born in Louisa County, Virginia, October 30, 1800; attended the common schools; engaged in fur trading near Council Bluffs, Iowa; became a farmer in Kentucky; studied law, was admitted to the bar, and practiced in Kentucky; in 1832 elected a member of the state house of representatives and served for thirteen terms; delegate in the state constitutional convention of 1849; secretary of state of Kentucky; appointed to the United States Senate, to fill vacancy caused by the death of Henry Clay, and served from July 6, 1852, until September 1, 1852; governor of New Mexico May 6, 1853, to January 5, 1855; representative in the Kentucky Legislature 1858-1885, and served as speaker of the House in 1859; died near Louisville, Kentucky, April 4, 1893.

Thomas Metcalfe, a representative and a senator from Kentucky; born in Fauquier County, Virginia, March 20, 1780; moved with his parents to Fayette County, Kentucky; attended the common schools; learned the mason's trade; served in the War of 1812; member of the state house of representatives 1812-1816; elected as a democrat to the Sixteenth, Seventeenth, Eighteenth, Nineteenth, and Twentieth congresses, and served from March 4, 1819, until his resignation June 1, 1828; governor of Kentucky 1829-1833; elected to the State Senate in 1834; president of the board of internal improvements in 1840; appointed and subsequently elected to the United States Senate, to fill vacancy caused by the resignation of John J. Crittenden, and served from June 23, 1848, to March 3, 1849; died in Nicholas County, Kentucky, August 18, 1855.

James Turner Morehead, a senator from Kentucky; born near Shepherdsville, Bullitt County, Kentucky, May 24, 1797; pursued an academic course; studied law, was admitted to the bar in 1818, and commenced

practice in Bowling Green, Kentucky; member of the state house of representatives 1827-1830; elected lieutenant governor of Kentucky in 1832, and after the death of Governor Breathitt became governor 1834-1836; again a member of the state house of representatives in 1837; president of the state board of internal improvements 1838-1841; elected as a whig to the United States Senate, and served from March 4, 1841, to March 3, 1847; returned to Covington, Kentucky, and resumed the practice of law until his death, December 28, 1854.

Thomas H. Paynter, a representative and a senator from Kentucky; born in Lewis County, Kentucky, December 9, 1851; attended the common schools, Rand's Academy, and Centre College, Danville, Kentucky; studied law, was admitted to the bar in 1872, and engaged in practice in Greenup, Kentucky, appointed county attorney for Greenup County by appointment 1876-1878 and by election 1878-1882; elected to the Fifty-first, Fifty-second, and Fifty-third congresses and served from March 4, 1889, to January 3, 1895; when he resigned; judge of the court of appeals of Kentucky 1895-1906 when he resigned; was elected to the United States Senate for the term beginning March 4, 1907.

John Pope, a senator and representative from Kentucky; born in Prince William County, Virginia, in 1770; completed preparatory studies; studied law, and moved to Springfield, Kentucky; was admitted to the bar and practiced in Washington, Shelby, and Fayette counties; served several years as a member of the state house of representatives; a presidential elector on the Jefferson ticket in 1801; elected as a democrat to the United States Senate and served from March 4, 1807, to March 3, 1813; territorial governor of Arkansas 1829-1835; returned to Springfield, Kentucky; elected as a democrat to the Twenty-fifth, Twenty-sixth, and Twenty-seventh congresses (March 4, 1837-March 3, 1843); defeated for reelection to the Twenty-eighth Congress; died in Springfield, Kentucky, July 12, 1845.

Lazarus Whitehead Powell, a senator from Kentucky, born in Henderson County, Kentucky, October 6, 1812; was graduated from St. Joseph College, Bardstown, in 1833; studied law, was admitted to the bar, and in 1835 began practice; served in the state legislature as a member in 1836; presidential elector on the Polk and Dallas ticket in 1844; governor of Kentucky 1851-1855; elected as a democrat to the United States Senate, and served from March 4, 1859, to March 3, 1865; delegate to the National Union Convention in Philadelphia in 1866; died near Henderson, Kentucky, July 3, 1867.

A. Owsley Stanley, democrat; born in Shelbyville, Kentucky, May 21, 1867; graduated class 1889, Center College, Danville, Kentucky; received honorary degree LL. D. State University of Kentucky, June 1, 1916; admitted to bar 1894; congressional elector in 1900; married Miss Sue Soaper April 29, 1902; elected to Congress in 1902; served in Fifty-eighth, Fifty-ninth, Sixtieth, Sixty-first, Sixty-second and Sixty-third congresses from the Second District of Kentucky; elected governor of Kentucky in November, 1915; served as governor until May, 1919; resigned that office to attend the extraordinary session of the United States Senate, to which he was elected in November, 1918.

John White Stevenson, a representative and a senator from Kentucky; born in Richmond, Virginia, May 14, 1812; attended Hampden-Sydney Academy and was graduated from the University of Virginia in 1832; was admitted to the bar and commenced practice in Covington, Kentucky, in 1841; county attorney; member of the State Legislature, 1845-1847; member of the Kentucky constitutional convention of 1849; delegate to

the Democratic National Conventions of 1848, 1852 and 1856; democratic Presidential elector in 1852 and 1856; elected as a democrat to the Thirty-fifth and Thirty-sixth congresses (March 4, 1857-March 3, 1861); elected lieutenant-governor of Kentucky in 1867; elected governor in 1868; elected as a democrat to the United States Senate and served from March 4, 1871, to March 3, 1877; chairman of the democratic national convention at Cincinnati, Ohio, in 1880; died in Covington, Kentucky, August 10, 1886.

Isham Talbot, a senator from Kentucky; born in Bedford County, Virginia, in 1773; moved with his father to Harrodsburg, Kentucky; completed preparatory studies; studied law, was admitted to the bar, and commenced practice in Versailles, Kentucky; moved to Frankfort, Kentucky, and continued practice; member of the State Senate 1812-1815; elected to the United States Senate to fill vacancy caused by the resignation of Jesse Bledsoe, and served from January 3, 1815, to March 3, 1819; again elected to the United States Senate, to fill vacancy caused by the resignation of William Logan, and served from October 19, 1820, to March 3, 1825; died near Frankfort, Kentucky, September 25, 1835.

John Burton Thompson, a representative and senator from Kentucky; born near Harrodsburg, Kentucky, December 14, 1810; completed preparatory studies; studied law, was admitted to the bar, and practiced in Harrodsburg, Kentucky; served as commonwealth's attorney; member of the State Legislature in 1835 and 1836; elected as a whig to the Twenty-sixth Congress, to fill vacancy caused by the death of Simeon H. Anderson; reelected to the Twenty-seventh Congress and served from December 7, 1840, to March 3, 1843; again elected to the Thirtieth and Thirty-first congresses (March 4, 1847-March 3, 1851); lieutenant-governor of Kentucky, 1852; elected to the United States Senate and served from March 4, 1853, to March 3, 1859; died in Harrodsburg, Kentucky, January 7, 1874.

Buckner Thruston, a senator from Kentucky; born near Winchester, Gloucester County, Virginia, February 9, 1764; completed preparatory studies and was graduated from William and Mary College in Williamsburg, Virginia; elected a member of the State Legislature in 1788-1790; studied law, was admitted to the bar, and began practice in Lexington, Kentucky; elected clerk of the first State Senate that convened in Kentucky; one of three commissioners to settle boundary disputes between Kentucky and Virginia; one of the district judges of Kentucky for more than seven years; appointed United States judge of the court of the Territory of Orleans, but declined, having been elected senator; elected as a democrat to the United States Senate and served from March 4, 1805, to December 18, 1809, when he resigned; judge of the United States Circuit Court for the District of Columbia until his death in Washington, D. C., August 30, 1845.

Joseph Rogers Underwood, a representative and a senator from Kentucky; born in Goochland County, Virginia, October 24, 1791; moved with his uncle to Barren County, Kentucky, in 1803; was graduated from Transylvania College in 1811; studied law; served in the War of 1812 as lieutenant in the Thirteenth Kentucky Infantry; was admitted to the bar in 1813, and began practice in Glasgow, Kentucky; held several local offices; member of the state house of representatives, 1816-1819; moved to Bowling Green, Kentucky, in 1823; Presidential elector on the Clay ticket in 1824; again a member of the State House of Representatives, 1825-1826; whig candidate for lieutenant-governor of Kentucky in 1828; judge of the Court of Appeals, 1828-1835; elected as a whig to the Twenty-fourth and to the three succeeding congresses (March 4,

1835-March 3, 1843); declined renomination and resumed the practice of law; Presidential elector in 1844; again a member of the state house of representatives in 1846, and served as speaker; elected as a whig to the United States Senate and served from March 4, 1847, to March 3, 1853; served in the State Legislature in 1861; delegate to the Democratic National Convention in Chicago in 1864; died near Bowling Green, Kentucky, August 23, 1876.

George Walker, a senator from Kentucky; born in Culpeper County, Virginia, in 1768; attended the public schools; moved to Kentucky; studied law, was admitted to the bar, and practiced; a commissioner of the Kentucky River Company in 1801; state senator, 1810-1814; appointed to the United States Senate to fill vacancy caused by the resignation of George M. Bibb, and served from August 30, 1814, to December 16, 1814; died in Nicholasville, Kentucky, in 1819.

John Stuart Williams, a senator from Kentucky; born in Montgomery County, Kentucky, in 1820; was graduated from Miami University, Oxford, Ohio, in 1839; studied law, was admitted to the bar, and practiced in Paris, Kentucky; served in the Mexican war, first as captain of an independent company attached to the Sixth Infantry, United States Army, and afterwards as colonel of the Fourth Regiment of Kentucky Volunteers; delegate in whig national conventions and a whig Presidential elector; elected to the Kentucky Legislature in 1851-1852, and again in 1873-1874; entered the Confederate Army as colonel in 1861; made brigadier-general in April, 1862, and surrendered with the army of Gen. Joseph E. Johnston in Georgia; engaged in farming, with residence in Paris, Kentucky; elected as a democrat to the United States Senate, and served from March 4, 1879 to March 3, 1885; died in Paris, Kentucky, July 17, 1898.

## CHAPTER LXXIV

### THE COUNTIES OF KENTUCKY

#### VIRGINIA-FORMED COUNTIES

When Virginia was divided into counties in 1643, the County of Henrico was the most westerly. In those days the eastern bounds of the most western county were defined, and Virginia jurisdiction was supposed to extend as far west as any Virginian cared to go, or had business to transact. We can hardly say that Henrico County, the county in which Richmond now is, ever embraced Kentucky. But if occasion had arisen making it necessary to determine to what civil district Kentucky, as now defined, belonged at that time, it would have been adjudged as belonging to Henrico.

The next frontier county of Virginia was Orange, formed in 1734, and the same state of facts exists in regard to it as did in relation to the jurisdiction of Henrico. The eastern limits were well defined and the western limits—anywhere you could go, to the west.

Augusta County was the next frontier count of Virginia. It was formed in 1738 and extended from well-defined eastern bounds to the same point in the west as had Orange. By the definitive Treaty of Paris in 1763, the Mississippi was made the western boundary of Virginia and, consequently, of Augusta County.

Botetourt County followed Augusta in 1770. By the time of its establishment Virginia had some correct idea of a western limit. Fincastle became the frontier county in 1772. It extended to the Mississippi. It embraced all of what is now Kentucky, as well as much of Southwestern Virginia.

#### KENTUCKY

By legislative enactment of Virginia, the County of Fincastle was dissolved December 31, 1776. One part of it became on that date Kentucky County, Virginia, with bounds and limits as follows: "All that part thereof which lies to the south and westward of a line beginning on the Ohio River, at the mouth of Great Sandy Creek and running up the same and the main or north-easterly branch thereof to the Great Laurel Ridge or Cumberland Mountain; thence south-westerly along the said mountain to the line of North Carolina." It will be observed that northern and western limits are very indefinitely named in this enactment.

In May, 1780, Kentucky County was subdivided into three counties, neither of which was called Kentucky, and thus for a time the name "Kentucky" passed out of history. The names of the new counties were Jefferson, Fayette and Lincoln. Fayette County embraced all that part of the present State of Kentucky east and north of the Kentucky River and its Middle Fork. The bounds of Jefferson were "that part of the south side of Kentucky River which lies west and north of a line beginning at the mouth of Benson's Big Creek, and running up the same and its main fork to the head; thence south to the nearest waters of Hammond's Creek, and down the same to its junction with the Town Fork



of Salt River, thence south to the Green River, and down the same to its junction with the Ohio."

Lincoln County included all of what is now the State of Kentucky not embraced in the counties of Fayette and Jefferson, as set out above.

Nelson County was formed from a portion of Jefferson in 1784, and was the fourth county formed in the state.

On May 1, 1875, Fayette County was divided into two counties, the northern portion being called Bourbon, and the southern portion retaining the name Fayette.

Bourbon was the fifth county.

Mercer County was established by the State of Virginia in 1785 and was cut from Lincoln County. It was the sixth county formed in the state.

Madison County was the seventh county and was carved from Lincoln County and established in 1785.

On May 1, 1788, Mason County was formed out of territory taken from Bourbon. The new county embraced all the territory in Eastern Kentucky, and Northern Kentucky to the mouth of the Licking River. It was the eighth county formed by Virginia—of those now existing.

Woodford County was set up by Virginia from territory taken from Fayette in 1788. It was the last of the nine counties of Kentucky established by the State of Virginia.

#### FORMATION OF COUNTIES

New Counties	Old Counties Out of Which Formed	Year
1. Jefferson .....	Kentucky .....	1780
2. Fayette .....	Kentucky .....	1780
3. Lincoln .....	Kentucky .....	1780
4. Nelson .....	Jefferson .....	1784
5. Bourbon .....	Fayette .....	1785
6. Mercer .....	Lincoln .....	1785
7. Madison .....	Lincoln .....	1785
8. Mason .....	Bourbon .....	1788
9. Woodford .....	Fayette .....	1788
10. Washington .....	Nelson .....	1792
11. Scott .....	Woodford .....	1792
12. Shelby .....	Jefferson .....	1792
13. Logan .....	Lincoln .....	1792
14. Clark .....	Fayette and Bourbon .....	1792
15. Hardin .....	Nelson .....	1792
16. Green .....	Lincoln and Nelson .....	1792
17. Harrison .....	Bourbon and Scott .....	1793
18. Franklin .....	Woodford, Mercer and Shelby .....	1794
19. Campbell .....	Harrison, Scott and Mason .....	1794
20. Bullitt .....	Jefferson and Nelson .....	1796
21. Christian .....	Logan .....	1792
22. Montgomery .....	Clark .....	1792
23. Bracken .....	Mason and Campbell .....	1796
24. Warren .....	Logan .....	1796
25. Garrard .....	Mercer, Lincoln and Madison .....	1796
26. Fleming .....	Mason .....	1798
27. Pulaski .....	Lincoln and Green .....	1798
28. Pendleton .....	Bracken and Campbell .....	1798
29. Livingston .....	Christian .....	1798
30. Boone .....	Campbell .....	1798
31. Henry .....	Shelby .....	1798
32. Cumberland .....	Green .....	1798
33. Gallatin .....	Franklin and Shelby .....	1798

New Counties	Old Counties Out of Which Formed	Year
34. Muhlenburg .....	Logan and Christian.....	1798
35. Ohio .....	Hardin .....	1798
36. Jessamine .....	Fayette .....	1798
37. Barren .....	Warren and Green.....	1798
38. Henderson .....	Christian .....	1798
39. Breckinridge .....	Hardin .....	1799
40. Floyd .....	Fleming, Montgomery and Mason.....	1799
41. Knox .....	Lincoln .....	1799
42. Nicholas .....	Bourbon and Mason.....	1799
43. Wayne .....	Pulaski and Cumberland.....	1800
44. Adair .....	Green .....	1801
45. Greenup .....	Mason .....	1803
46. Casey .....	Lincoln .....	1806
47. Clay .....	Madison, Knox and Floyd.....	1806
48. Lewis .....	Mason .....	1806
49. Hopkins .....	Henderson .....	1806
50. Estill .....	Madison and Clark.....	1808
51. Caldwell .....	Livingston .....	1809
52. Rockcastle .....	Lincoln, Pulaski, Madison and Knox.....	1810
53. Butler .....	Logan and Ohio.....	1810
54. Grayson .....	Hardin and Ohio.....	1810
55. Union .....	Henderson .....	1811
56. Bath .....	Montgomery .....	1811
57. Allen .....	Warren and Barren.....	1815
58. Daviess .....	Ohio .....	1815
59. Whitley .....	Knox .....	1818
60. Harlan .....	Floyd and Knox.....	1819
61. Hart .....	Hardin and Green.....	1819
62. Owen .....	Scott, Franklin and Gallatin.....	1819
63. Simpson .....	Logan, Warren and Allen.....	1819
64. Todd .....	Logan and Christian.....	1819
65. Monroe .....	Barren and Cumberland.....	1820
66. Trigg .....	Christian and Caldwell.....	1820
67. Grant .....	Pendleton .....	1820
68. Perry .....	Clay and Floyd.....	1820
69. Lawrence .....	Greenup and Floyd.....	1821
70. Pike .....	Floyd .....	1821
71. Hickman .....	Caldwell and Livingston.....	1821
72. Calloway .....	Hickman .....	1822
73. Morgan .....	Floyd and Bath.....	1822
74. Oldham .....	Jefferson, Shelby and Henry.....	1823
75. Graves .....	Hickman .....	1823
76. Meade .....	Hardin and Breckinridge.....	1823
77. Spencer .....	Nelson, Shelby and Bullitt.....	1824
78. McCracken .....	Hickman .....	1824
79. Edmondson .....	Warren, Hart and Grayson.....	1825
80. Laurel .....	Rockcastle, Clay, Knox and Whitley.....	1825
81. Russell .....	Adair, Wayne and Cumberland.....	1825
82. Anderson .....	Franklin, Mercer and Washington.....	1827
83. Hancock .....	Breckinridge, Daviess and Ohio.....	1829
84. Marion .....	Washington .....	1834
85. Clinton .....	Wayne and Cumberland.....	1835
86. Trimble .....	Gallatin, Henry and Oldham.....	1836
87. Carroll .....	Gallatin .....	1838
88. Carter .....	Greenup and Lawrence.....	1838
89. Breathitt .....	Clay, Perry and Estill.....	1839
90. Kenton .....	Campbell .....	1840

New Counties	Old Counties Out of Which Formed	Year
91. Crittenden	Livingston	1842
92. Marshall	Calloway	1842
93. Ballard	Hickman and McCracken	1842
94. Boyle	Mercer and Lincoln	1842
95. Letcher	Perry and Harlan	1842
96. Owsley	Clay, Estill and Breathitt	1843
97. Johnson	Floyd, Lawrence and Morgan	1843
98. Larue	Hardin	1843
99. Fulton	Hickman	1845
100. Taylor	Green	1848
101. Powell	Montgomery, Clark and Estill	1852
102. Lyon	Caldwell	1854
103. McLean	Daviess, Muhlenburg and Ohio	1854
104. Rowan	Fleming and Morgan	1856
105. Jackson	Estill, Owsley, Clay, Laurel, Rockcastle and Madison	1858
106. Metcalfe	Barren, Green, Adair, Cumberland and Monroe	1860
107. Boyd	Greenup, Carter and Lawrence	1860
108. Magoffin	Morgan, Johnson and Floyd	1860
109. Webster	Hopkins, Henderson and Union	1860
110. Wolfe	Morgan, Breathitt, Owsley and Powell	1860
111. Robertson	Nicholas, Harrison, Bracken and Mason	1867
112. Bell	Harlan and Knox	1867
113. Menifee	Bath, Morgan, Powell, Montgomery and Wolfe	1869
114. Elliott	Morgan, Carter and Lawrence	1869
115. Lee	Owsley, Estill, Wolfe and Breathitt	1870
116. Martin	Pike, Johnson, Floyd and Lawrence	1870
117. Leslie	Clay, Perry and Harlan	1878
118. Knott	Perry, Floyd, Letcher and Breathitt	1884
119. Carlisle	Ballard	1886
120. McCreary	Pulaski, Wayne and Whitley	1912

#### FOR WHOM THE COUNTIES WERE NAMED

1. *Adair County* was named for Gen. John Adair, who was born in South Carolina, in 1757. He came to Kentucky in 1786. He was a brave and efficient soldier in all the Indian wars, and commanded the Kentucky troops in the battle of New Orleans. He was elected governor of Kentucky in 1820.

2. *Allen County* was named for Col. John Allen, who was born in Rockbridge County, Virginia, December 30, 1772. Came to Kentucky in 1780. He was a brave and competent officer in the wars with the Indians, and was killed at the River Raisin.

3. *Anderson County* was named for Richard Clough Anderson, Jr., who was born August 4, 1788, at Louisville. He was prominent in public life and died July 24, 1826, on his way to attend a congress at Panama of South American states.

4. *Ballard County* was named for Capt. Bland W. Ballard, who was born near Fredericksburg, Virginia, October 16, 1761, and who came to Kentucky in 1779. He was a brave soldier and competent officer in all the struggles with the Indians in the pioneer days of Kentucky.

5. *Barren County*. When first seen by white men, Barren County was part of a prairie county of considerable extent. Not being familiar with the fertility of prairies, these explorers called them the Barrens. Barren County was named for this term, which had attached to all the prairie portion of Kentucky.

6. *Bath County*, so called from the great number of its springs, the waters of which have medicinal qualities.

7. *Bell County*, named after Joshua Fry Bell, of Danville, Kentucky, and was first called Josh Bell County.

8. *Boone County* was named in honor of Col. Daniel Boone, the heroic explorer and pioneer of Kentucky.

9. *Bourbon County* was named for the House of Bourbon, of France. This house provided money and sent men to America to aid the colonies in the War of the Revolution.

10. *Boyd County* was named in honor of Hon. Linn Boyd, a native of Tennessee, but long a resident of Kentucky and prominent in public life.

11. *Boyle County* was named for Hon. John Boyle, who was chief justice of the Court of Appeals of Kentucky for nearly seventeen years.

12. *Bracken County*. For William Bracken, a pioneer, Big and Little Bracken creeks in this county were named. The county was so called because of the names of the creeks, so the county was indirectly named for William Bracken.

13. *Breathitt County* was named in honor of Governor John Breathitt.

14. *Breckinridge County* was named in honor of John Breckinridge, a native of Virginia, but a pioneer in Kentucky. He was a man of great ability, a distinguished lawyer and a statesman. He was the founder of the Breckinridge family in Kentucky.

15. *Bullitt County* was named in honor of Alexander Scott Bullitt, who was lieutenant governor of Kentucky in the year 1800.

16. *Butler County* was named in honor of General Richard Butler, of Pennsylvania, who was an officer in the Revolutionary war. He was slain by an Indian in St. Clair's defeat.

17. *Caldwell County* was named for Gen. John Caldwell, a native of Virginia, who moved to Kentucky in 1781. He was in the expedition commanded by George Rogers Clark against the Indians in 1786. He was prominent in public life in his day. He was lieutenant governor of the state in 1804, and died in Frankfort, November 19th, of that year.

18. *Calloway County* was named in honor of Col. Richard Calloway, a pioneer who arrived in Kentucky with his family in 1776. He was prominent in the public affairs from the time he arrived until his death.

19. *Campbell County* was named in honor of Col. John Campbell, a native of Ireland. He was a pioneer, and had a grant of 4,000 acres of land from Virginia. This tract of land joined the City of Louisville on the South. Colonel Campbell was a member from Jefferson County of the convention which formed the first constitution of Kentucky.

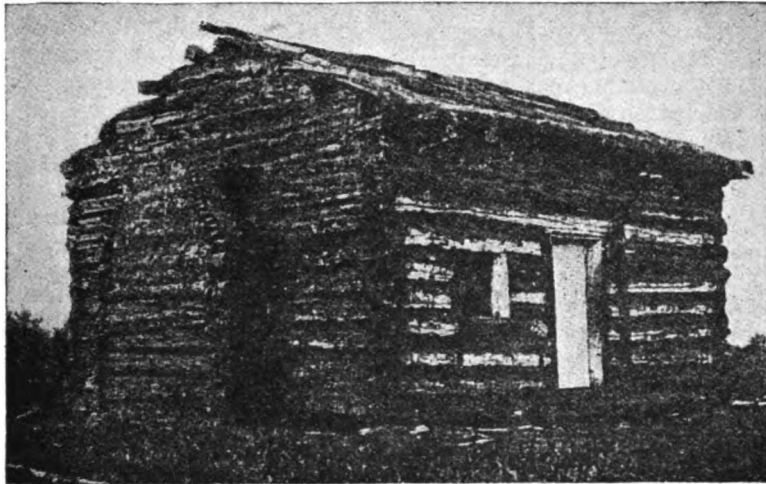
20. *Carlisle County* was named in honor of Hon. John Griffin Carlisle, who was prominent not only in public affairs of Kentucky, but also of the nation. He was born in Kenton County, Kentucky, September 5, 1835.

21. *Carroll County* was named in honor of Charles Carroll, of Carrollton, one of the signers of the Declaration of Independence from Maryland.

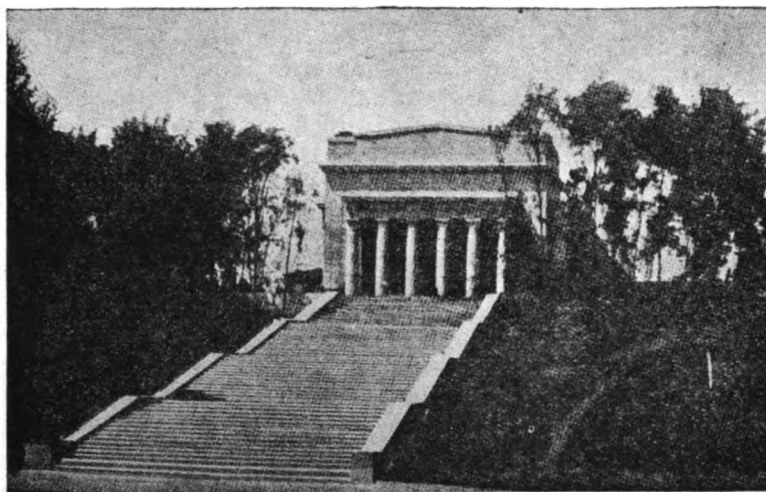
22. *Carter County* was named for Col. William G. Carter, who was state senator from the counties of Lewis, Greenup and Lawrence at the time of its formation.

23. *Casey County* was named in honor of Col. William Casey, who was born in Frederick County, Virginia. He moved to Kentucky in the winter of 1779-80, settling on the Hanging Fork of Dick's River, where he remained until 1791, when he moved to Russell's Creek, and established another station. It was fifty miles from a settlement.

24. *Christian County* was named for Col. William Christian, who was born in Augusta County, Virginia, and was a soldier in the Revolutionary



BIRTHPLACE OF ABRAHAM LINCOLN, NEAR HODGENVILLE



LINCOLN MEMORIAL BUILT OVER LINCOLN'S ORIGINAL CABIN AT HIS  
BIRTHPLACE IN LINCOLN NATIONAL PARK

war. He came to Kentucky in 1785 and settled on Bear Grass Creek. He was killed in a battle with the Indians north of the Ohio, in 1786.

25. *Clark County* was named in honor of Gen. George Rogers Clark, who was born in Albemarle County, Virginia, November 19, 1752, and whose brilliant military achievements were of the greatest benefit to his country.

26. *Clay County* was named in honor of Gen. Green Clay, who was born in Powhattan County, Virginia, August 14, 1757, and who came to Kentucky when a boy. He was prominent in the state for nearly half a century.

27. *Clinton County* was named in honor of Governor DeWitt Clinton, of New York.

28. *Crittenden County* was named in honor of John Jordan Crittenden, a native of Woodford County, Kentucky. Mr. Crittenden was a leader in political affairs in Kentucky to the end of his life. He held all the great positions in the gift of the people of the state.

29. *Cumberland County* was named for the Cumberland River, which passes through the county. The name Cumberland was fixed in Kentucky by Dr. Thomas Walker, who bestowed it on the great range of mountains now separating the state from Virginia.

30. *Daviess County* was named in honor of Joseph Hamilton Daviess, who was born in Bedford County, Virginia, March 4, 1774. He came to Kentucky in 1792 on a military expedition. He studied law in the office of George Nicholas. When admitted to practice he settled in Danville, but later removed to Frankfort. He was given a command of troops with the rank of major in the campaign of Gen. William Henry Harrison against the Indians on the Wabash, and was killed in the battle of Tippecanoe, November 7, 1811.

31. *Edmondson County* was named for Capt. John Edmondson, who was born in Washington County, Virginia, and settled in Fayette County, Kentucky, in 1790. He was in command of a company of volunteer troops in the expedition of Col. John Allen, in 1812. He was killed in the battle of the River Raisin, January 22, 1813.

32. *Elliott County* was named for Judge John M. Elliott, who was born in Scott County, Virginia, May 16, 1820. Judge Elliott was admitted to the bar in 1843 and established an office in Prestonsburg in Floyd County. He was prominent in public affairs, especially in the Civil war period. He was a judge of the Court of Appeals at the time of his death. He was murdered by a man who was affected by an adverse decision of the court.

33. *Estill County* was named for Capt. James Estill, who was born in Augusta County, Virginia. He came early to Kentucky and built Estill's Station. He was killed in 1782 in battle with Indians, in what is now Montgomery County, Kentucky.

34. *Fayette County* was named for Gen. Gilbert Mortier de La Fayette, of France. At Metz he resolved to aid the struggling patriots of America. He crossed the Atlantic and joined the Revolutionary forces. He aided much in securing American independence.

35. *Fleming County* was named for Col. John Fleming, who was born in Virginia and who came to Kentucky in 1787. He built Fleming's Station in what is now Fleming County, in 1790. He died in 1794.

36. *Floyd County* was named for Col. John Floyd, who was born in Virginia about 1750. He was one of the early surveyors of land in what is now the state of Kentucky. His first survey was made May 2, 1774, in what is now Lewis County, opposite the Scioto River. This survey included 200 acres and was made for Patrick Henry, a patriot and orator of Virginia. Colonel Floyd was one of the surveyors recalled by Governor Dunmore, who sent Daniel Boone and Michael Stoner to warn the

surveyors on the Ohio to return to the settlements, because of impending war with the Indians on the Upper Ohio.

37. *Franklin County* was named for Benjamin Franklin, a native of Massachusetts, but who spent most of his life as a citizen of Pennsylvania. He was connected with many of the movements which gained the Independence of America.

38. *Fulton County* was named in honor of Robert Fulton, who was born in Pennsylvania in 1765, and who invented the first practical steamboat.

39. *Gallatin County* was named for Albert Gallatin, who was born in Geneva, Switzerland, January 29, 1761. He came to America when a young man and made his home in Pennsylvania, in which state he took a part in public affairs. He was Secretary of the Treasury under President Jefferson. He was a man of fine mind and was educated at the University of Geneva. His writings on many subjects are authority to this day, especially those on the North American Indians. Once, in a debate in the United States Senate, Ingalls of Kansas said: "Pennsylvania has had but two great men—Benjamin Franklin, of Massachusetts, and Albert Gallatin, of Switzerland."

40. *Garrard County* was named for James Garrard, who was born in Stafford County, Virginia, January 14, 1749. He was a pioneer in Kentucky and was elected governor of the state.

41. *Grant County* was named after Samuel Grant, who was killed by the Indians on the north bank of the Ohio River, opposite this county, in the year 1794.

42. *Graves County* was named for Capt. Benjamin Graves, who was born in Virginia, but who came to Kentucky when quite young. He was a major in the regiment of Colonel Lewis in the War of 1812, and was killed in the battle of the River Raisin.

43. *Grayson County* was named for Col. William Grayson, who was a native of Virginia and who bore an active part in the early history of that state. He voted against the ratification of the constitution of the United States in the Virginia convention, but was afterwards elected to the United States Senate from Virginia.

44. *Green County* was named after Gen. Nathaniel Greene. General Greene was born in Warwick, Rhode Island, May 22, 1742, and was one of the most distinguished officers in the American Revolution.

45. *Greenup County* was named for Gov. Christopher Greenup, who was born about 1750 in the State of Virginia. He was a Revolutionary soldier. After the Revolution he settled in Kentucky. In 1804 he was elected governor of the state. He died April 27, 1818.

46. *Hancock County* was named in honor of John Hancock, the first to sign the Declaration of Independence and whose signature has become famous.

47. *Hardin County* was named for Col. John Hardin, who was born in Fauquier County, Virginia, October 1, 1763. He was a soldier in the Revolutionary war. He came to Kentucky in 1786 and settled in what is now Washington County. He was a soldier in the expeditions into the country north of the Ohio River against the Indians. In one of these expeditions he lost his life, being murdered by the savages.

48. *Harlan County* was named for Maj. Silas Harlan, a native of Berkeley County, Virginia. He came to Kentucky in 1774, and was active in all the movements against the Indians. He was in the Illinois campaign of George Rogers Clark. He was killed in the battle of Blue Licks.

49. *Harrison County* was named for Col. Benjamin Harrison, who was at the time a representative in the Kentucky Legislature from Bourbon County. Colonel Harrison was a native of Pennsylvania. He was

active in public affairs. He was a member of the convention which formed the first constitution of the state, and held various public affairs.

50. *Hart County* was named for Capt. Nathaniel G. T. Hart, who was born in Hagerstown, Maryland, and who moved with his father to Lexington when but a child. He was a soldier in the War of 1812 and was murdered by Indians shortly after the battle of the River Raisin.

51. *Henderson County* was named in honor of Col. Richard Henderson, who was born in Hanover County, Virginia, April 27, 1735. Colonel Henderson made a treaty with the Cherokee Indians, who sold him a large part of the State of Kentucky. This sale was never approved by the State of Virginia, although Colonel Henderson established the town of Boonesborough and attempted to organize a government for the lands which he had purchased. He assembled a legislature and it formulated laws for a colony. Although his plans collapsed he made a place for himself in Kentucky history.

52. *Henry County* was named for the patriot and orator, Patrick Henry, who was governor of Virginia when Kentucky was made a part of Fincastle County, Virginia, and later Kentucky County, Virginia. Patrick Henry was born in Hanover County, Virginia, May 29, 1736. He lent his great powers to the establishment of American Independence.

53. *Hickman County* was named for Capt. Paschal Hickman, a native of Virginia, but who came as a child to Kentucky with his father, the Rev. William Hickman, who settled in Franklin County. He served in the War of 1812 and was murdered in the massacre following the battle of the River Raisin.

54. *Hopkins County* was named for Gen. Samuel Hopkins, who was born in Albemarle County, Virginia, and was an officer in the Revolutionary war. He moved to Kentucky in 1797 and settled on the Green River.

55. *Jackson County* was named after Gen. Andrew Jackson, who was born in the Waxhaw settlement, North Carolina, March 15, 1767, died near Nashville, Tennessee, June 8, 1845. General Jackson was the hero of the battle of New Orleans, and was President of the United States. He was one of the great Americans.

56. *Jefferson County* was named for Thomas Jefferson, author of the Declaration of Independence and President of the United States.

57. *Jessamine County* was named for Jessamine Creek, which flows through the county. The creek was named for a beautiful girl, Jessamine Douglas. Her father settled at the head of this creek, at a very early day. The daughter was sitting upon a rock at a spring at one of the heads of the creek, when an Indian stole upon her and killed her with a tomahawk.

58. *Johnson County* was named in honor of Col. Richard M. Johnson, who was born at Bryant's Station, Fayette County. He was in the battle of the Thames, and by some was believed to have killed the great Indian chief, Tecumseh. He served Kentucky in Congress. In 1836 was elected Vice President of the United States.

59. *Kenton County* was named for Gen. Simon Kenton, who was born in Fauquier County, Virginia, April 13, 1755. He came to Kentucky when he was little more than sixteen years of age as the result of injuries he inflicted upon his rival in a love affair. He became one of the most noted of the Kentucky pioneers. A biography of him will embrace the entire pioneer period of Kentucky. He died in Ohio, April 29, 1836, within a short distance of where the Indians had made preparations to burn him at the stake, fifty-eight years before.

60. *Knott County* was named in honor of J. Proctor Knott, who was governor of Kentucky when the county was formed.

61. *Knox County* was named for Gen. Henry Knox, a native of Bos-





GEN. SIMON KENTON, 1755-1836  
(Courtesy of The Filson Club)

ton, Massachusetts, where he was born July 25, 1750. He was a soldier in the battle of Bunker Hill, as well as many other battles of that struggle.

62. *Larue County* was named for John Larue, a native of Virginia, who came with a company and settled at Phillips' Fort.

63. *Laurel County* was named for the Laurel River which runs through the county.

64. *Lawrence County* was named for Capt. James Lawrence of the United States Navy, who was born in New Jersey in 1781. He was a famous naval commander. On the first of June, 1813, he engaged the British frigate *Shannon* outside Boston Harbor. After he had received a wound, which later proved fatal, he was carried below. As they were taking him down he uttered the command which has become immortal: "Don't give up the ship." He died the fifth day of June, 1813, and is buried at Halifax.

65. *Lee County* was named in honor of Gen. Robert E. Lee, who was born in Westmoreland County, Virginia, January 19, 1807; died in Lexington, Virginia, October 12, 1870. General Lee was of the famous Lee family and was commander of the Confederate armies of the Civil war.

66. *Leslie County* was named in honor of Preston H. Leslie, who was governor of Kentucky from September 13, 1871 to September, 1875.

67. *Letcher County* was named for Gov. Robert P. Letcher, who was governor of the state when the county was formed. Governor Letcher was born in Garrard County. He died in Frankfort, January 4, 1861.

68. *Lewis County* was named for Capt. Meriweather Lewis, who commanded the great exploring expedition up the Missouri River, across the Rocky Mountains, and down the Columbia River to the Pacific Ocean.

69. *Lincoln County* was named for Gen. Benjamin Lincoln, a Virginia officer, who rendered distinguished services in the patriot army of the Revolution.

70. *Livingston County* was named for Robert R. Livingston, of New York, one of the signers of the Declaration of Independence.

71. *Logan County* was named for Gen. Benjamin Logan, who was born in Augusta County, Virginia. He came to Kentucky in 1775, and built Logan's Fort or Logan's Station. He removed his family to Kentucky in 1776. General Logan was one of those pioneers who made himself immortal in the struggle with the Indians and establishment of the State of Kentucky. He was a member of the convention which formed the first constitution of Kentucky, and also of the 1799 constitutional convention.

72. *Lyon County* was named for Col. Matthew Lyon, who was born in County Wicklow, Ireland, in 1746, and who died at Spadra Bluff, Arkansas, August 1, 1822. To cross the ocean he bonded himself to the captain, who sold him to a Connecticut farmer for two bulls. After serving the time for which he was sold, he went to Vermont. He was a soldier in the Army of the Revolution. After American Independence had been secured he was elected to Congress. He was a bitter opponent of President John Adams, and was fined \$1,000 for his remarks on the Alien and Sedition Laws and imprisoned for four months. He was re-elected to Congress while imprisoned. In the contest for the presidency between Jefferson and Burr, Colonel Lyon cast the vote from Vermont for Jefferson on the thirty-sixth ballot, making him President of the United States.

73. *McCracken County* was named for Capt. Virgil McCracken, a native of Woodford County, Kentucky. He was killed at the head of his company in the battle of the River Raisin, January 22, 1813.

74. *McCreary County* was named for James B. McCreary, who was governor of Kentucky when the county was formed.

75. *McLean County* was named for Judge Alney McLean, who was a native of Burke County, North Carolina. He settled in Greenville, Muhlenburg County, April, 1805, and engaged in the practice of law. He was a staunch friend of Henry Clay and cast the electoral vote of Kentucky twice for Clay for President of the United States. For many years he was judge of the Circuit Court, and was said to be one of the ablest judges of the state.

76. *Madison County* was named for James Madison, who later became President of the United States.

77. *Magoffin County* was named in honor of Beriah Magoffin, who was governor of the state when the county was formed.

78. *Marion County* was named in honor of Gen. Francis Marion of South Carolina, who was one of the most noted officers in the War of the Revolution.

79. *Marshall County* was named in honor of John Marshall, the great chief justice of the Supreme Court of the United States.

80. *Martin County* was named for Col. John P. Martin, who was born in Lee County, Virginia, October 11, 1811, and died in Prestonsburg, Kentucky, December 23, 1862. He was much in public life, representing his district in the Kentucky Legislature and his congressional district in Congress. He came to Floyd County, Kentucky, in 1835.

81. *Mason County* was named for George Mason, who was born in Fairfax County, Virginia, 1726; died there in 1792. He bore an important part in the history of Virginia and the United States.

82. *Meade County* was named for Capt. James Meade, who was born in Woodford County, Kentucky. He was a volunteer under Col. Joseph H. Daviess, in the battle of Tippecanoe. He was promoted to the rank of captain and commanded a company at the River Raisin, where he was killed early in the action.

83. *Menifee County* was named for Richard H. Menefee, who was born in Bath County, in 1810. He was elected to Congress as a whig at the age of 27. He served but one term, at the close of which he moved to Lexington and engaged in the practice of law. He died February 20, 1841, age 31.

84. *Mercer County* was named for Gen. Hugh Mercer, of Virginia. He was a native of Scotland and at the battle of Culloden, after which, being one of the vanquished, he came to America. He served under Washington in the Braddock campaign. He was in the Revolutionary Army, and was mortally wounded in the battle of Princeton, dying nine days later.

85. *Metcalf County* was named for Thomas Metcalfe, who was governor of Kentucky from June 1, 1828, to June 1, 1832. His term having been long previous to the establishment of the county, which was formed in 1860. He was born in Fauquier County, Virginia, March 20, 1780. He was frequently a member of the Kentucky Legislature from Nicholas County. He was elected to Congress in 1818. He was appointed by Governor Helm to fill out the unexpired term of John J. Crittenden in the United States Senate.

86. *Monroe County* was named for James Monroe, of Virginia, who was twice President of the United States.

87. *Montgomery County* was named in honor of Gen. Richard Montgomery, who was born in Ireland, in 1737. He entered the army when quite young and was with Wolfe at the capture of Quebec in 1759. Later he resigned his command and removed to America, settling in New York. In the Revolutionary war he was given command of a force sent to capture Quebec. In the attack upon the town he was killed by the only gun fired from the battery of the enemy. He was buried in Quebec, but by order of Congress, his remains were moved to New York in 1816, and

buried in St. Paul's Church Yard, where his monument may be seen to this day.

88. *Morgan County* was named for Gen. Daniel Morgan, the famous Revolutionary soldier and officer.

89. *Muhlenburg County* was named for Gen. Peter Muhlenburg, a native of Pennsylvania, and an officer in the Revolutionary forces in the war for American Independence.

90. *Nelson County* was named for Thomas Nelson, a governor of Virginia.

91. *Nicholas County* was named for Col. George Nicholas, who was born in Williamsburg, Virginia, about 1743. The county was formed and named in his honor, five months after his death. He was one of the most famous lawyers in the early days of Kentucky.

92. *Ohio County* gets its name from the Ohio River, which forms its northern boundary and the north boundary of the state.

93. *Oldham County* was named for Col. William Oldham, who was born in Berkeley County, Virginia. He was a pioneer in Kentucky and was killed in the battle of St. Clair's defeat, November 4, 1794.

94. *Owen County* was named for Col. Abraham Owen, a native of Prince Edward County, Virginia. He was born in 1769. In 1785, he settled in Shelby County, Kentucky. He bore an honorable part in the struggle of the pioneers and was killed in the battle of Tippecanoe.

95. *Owsley County* was named for Judge William Owsley, who was the fourteenth governor of Kentucky. He was a Virginian and born in 1782. Judge Owsley was prominent in the Old Court—New Court Controversy.

96. *Pendleton County* was named for Edmond Pendleton, who was born in Caroline County, Virginia, in 1741; died in Richmond in 1803. He was the presiding officer of the Court of Appeals of Virginia and member of Congress from that state.

97. *Perry County* was named for Com. Oliver Hazard Perry, who defeated the British on Lake Erie on the tenth of September, 1812. He was one of the great officers of the American Navy.

98. *Pike County* was named for Gen. Zebulon Montgomery Pike, who was born in New Jersey, January 5, 1779, and who was killed at York, Upper Canada, April 27, 1813. He was one of the great explorers of the northern and western portions of the Mississippi Valley. His journals of these explorations are the great authority on those countries in the early days.

99. *Powell County* was named for Lazarus W. Powell, who was governor of Kentucky when the county was formed.

100. *Pulaski County* was named for Count Joseph Pulaski, of Poland, who distinguished himself as brigadier general in the Army of the American Revolution. He was mortally wounded in Savannah, October 9, 1779, and died on the 11th of October.

101. *Robertson County* was named for George Robertson, who was chief justice of the Court of Appeals in the controversy between the Old Court and New Court. He was born in Mercer County, Kentucky, November 18, 1790; died at Lexington, May 16, 1874.

102. *Rockcastle County* was named for Rockcastle River, which flows along the southeast border.

103. *Rowan County* was named for Judge John Rowan, who bore a prominent part in the history of Kentucky for many years. He was one of Kentucky's great lawyers.

104. *Russell County* was named for Col. William Russell, who was born in Culpeper, Virginia, in 1758, and died at Lexington, Kentucky, July 3, 1825. Colonel Russell bore an active part in all the struggles against the Indians in pioneer days. He was in the battle of Tippecanoe

and after the battle of Fallen Timbers he succeeded General Harrison in command of the troops in that region. General Harrison having been transferred to the Northwestern army.

105. *Scott County* was named for Gen. Charles Scott, who born in Cumberland County, Virginia. He was in Braddock's expedition and distinguished himself as an officer in the Army of the Revolution. He moved to Kentucky in 1785 and settled in Woodford County. He commanded some of the forces in the battle of Fallen Timbers. He was elected governor of Kentucky in 1808.

106. *Shelby County* was named for Isaac Shelby, one of the great governors of Kentucky. He was born December 11, 1750, near Hagerstown, Maryland. In 1771 he moved to the frontiers of Virginia. Governor Shelby was an officer in all the operations on the frontier, and a distinguished officer in the Revolutionary army. He helped to win the immortal victory of King's Mountain, which was the turning point in the struggle for American Independence. As governor of Kentucky he commanded a portion of the army of General Harrison in the War of 1812, and acquitted himself with great honor. Governor Shelby was one of the great men in the work of pushing civilization into the Mississippi Valley.

107. *Simpson County* was named for Capt. John Simpson, a Virginian, who early settled in Lincoln County, Kentucky. He was at the battle of Fallen Timbers, in 1794, and was one of those immortal patriots who lost their lives in the battle of the River Raisin.

108. *Spencer County* was named for Capt. Spear Spencer, who was killed in the battle of Tippecanoe.

109. *Taylor County* was named for Gen. Zachary Taylor, who was born in Virginia. He came with his family to Jefferson County, Kentucky, in 1795, when but nine months old. General Taylor was in the wars with the Indians on the frontiers. He was in the Black Hawk war and in the war with the Indians in Florida. He was in command of the American forces at Buena Vista, war with Mexico. He was elected President of the United States in 1848, and died while holding that office.

110. *Todd County* was named for Col. John Todd, a distinguished pioneer of Kentucky. He had part in the struggle against the Indians and was killed in the battle of Blue Licks, August 19, 1782.

111. *Trigg County* was named for Col. Stephen Trigg, a Virginian, who came to Kentucky in 1779. In 1780 he established Trigg Station, four miles from Harrodsburg, on the stream known as Cane Run. He was killed in the battle of Blue Licks while leading his men in a charge on the Indians.

112. *Trimble County* was named for Judge Robert Trimble, who was one of the eminent lawyers of Kentucky. He was chief justice of the Court of Appeals in 1810. In 1826 he was appointed one of the judges of the Supreme Court of the United States.

113. *Union County*. The origin of the name of this county is not clear. At the time the county was set off from Henderson County there was no opposition to its establishment; the people of Henderson County generally recognized that a new county was necessary. It is said that because of the unanimity of sentiment on this subject the county was named Union County. This may have been the origin of the name, but it is probable that the county was given this name in honor of the American Union.

114. *Warren County* was named for Gen. Joseph Warren, one of the heroes of the battle of Bunker Hill.

115. *Washington County* was named for that famous American, the Father of his Country, Gen. George Washington.

116. *Wayne County* was named for Gen. Anthony Wayne, often

spoken of as "Mad" Anthony. He was born in Chester County, Pennsylvania, January 1, 1745. He was a distinguished officer in the Revolutionary war. He gained the victory of Fallen Timbers, August 20, 1794, and forever broke the effective resistance of the American Indians to the westward expansion of American people.

117. *Webster County* was named for Daniel Webster of Massachusetts.

118. *Whitley County* was named for Col. William Whitley, the pioneer and Indian fighter. William Whitley probably killed Tecumseh. He was born in that part of Augusta County, now Rockbridge County, August 14, 1749. Although sixty-five years old he volunteered under Governor Shelby in the War of 1812, and was killed in the battle of the Thames.

119. *Wolfe County* was named for Nathaniel Wolfe, who was Senator from Jefferson County at the time the county was formed. He was born in Richmond, Virginia, October 20, 1810, and was the first graduate of the University of Virginia, at Charlottesville. He was an eminent lawyer in the city of Louisville, where he died July 3, 1865.

120. *Woodford County* was named for Gen. William Woodford, who was born in Caroline County, Virginia. He was an officer in the Revolutionary war, and distinguished himself for bravery on the field of every battle in which he was engaged. He was captured by the British in the siege of Charleston and taken to New York, where he died November 13, 1780, at the age of forty-five years.

## CHAPTER LXXV

### OFFICERS FROM KENTUCKY IN THE CIVIL WAR

[Compiled from *History of Kentucky* by Perrin, Battle, and Kniffin, published at Louisville, Kentucky, 1888.]

#### UNITED STATES ARMY

Alphabetical List of General and Staff Officers from Kentucky, Appointed and Commissioned by the President.<sup>1</sup>

- Anderson, Robert, Brig.-Gen., May 15, 1861; Bvt. Maj.-Gen. Feb. 9, 1865.
- Adams, Geo. M., Capt. and Com. Sub., Aug. 17, 1861; resigned Dec. 23, 1862.
- Alexander, Jas. B., Capt. and Com. Sub., Sept. 23, 1861; since vacated.
- Allen, Chas. J. F., Maj. and Paymaster, July 16, 1862; honorably mustered out Nov. 15, 1865.
- Ambrose, M. J. W., Hospital Chap., Sept. 28, 1863; expired by constitutional limitation.
- Adams, Geo. M., Maj. and Paymaster, May 28, 1864; resigned May 19, 1865.
- Artsman, Gus., Capt. and Ass't Q. M., Sept. 13, 1864.
- Boyle, Jeremiah T., Brig.-Gen., Nov. 9, 1861; resigned Jan. 26, 1864.
- Bradford, J. T., Maj. and Surg., Apr. 4, 1862; discharged Feb. 19, 1863.
- Burbridge, Stephen G., Brig.-Gen., June 9, 1862; brevetted Maj.-Gen. July 4, 1864; resigned Dec. 1, 1865.
- Buford, Louis M., Maj. and Aid-de-Camp, Mar. 11, 1863; resigned Dec. 17, 1864.
- Boyd, Joseph F., Capt. and Ass't Q. M., Mar. 4, 1863; brevetted Brig.-Gen.; honorably mustered out March 13, 1866.
- Bramlette, Thoms E., Brig.-Gen., Apr. 24, 1863; declined accepting.
- Badger, Norman, Hospital Chap., June 30, 1864; honorably mustered out Sept. 23, 1865.
- Butler, John S., Capt. and Ass't Adj.-Gen., Dec. 5, 1863; honorably mustered out June 14, 1865.
- Brooks, D. A., Capt. and Com. Sub., May 18, 1864; declined accepting.
- Bruch, Samuel, Capt. and Ass't Q. M., Aug. 8, 1862; died March 31, 1865, at Memphis, Tenn.
- Boone, J. Rowan, Bvt.-Col., Mar. 13, 1865; was Lieut.-Col. Twenty-eighth Kentucky Veteran Infantry.
- Crittenden, Thomas L., Maj.-Gen., July 17, 1862; was Brig.-Gen. from Sept. 27, 1861, to July 17, 1862; resigned Dec. 13, 1864.
- Clay, Henry, Capt. and Ass't Adj.-Gen., Oct. 15, 1861; died June 5, 1862, at Louisville, Ky.
- Clay, Cassius M., Maj.-Gen., Apr. 11, 1862; resigned Mar. 11, 1863.
- Cloak, Burkitt, Maj. and Surg., June 9, 1862; brevetted Lieut.-Col.; honorably mustered out Nov. 22, 1865.
- Curtis, Albert A., Capt. and Ass't Q. M., Nov. 26, 1862; resigned Apr. 21, 1864.

<sup>1</sup> From the report of the Adjutant-General of Kentucky, from 1861-65.

- Cramer, Michael J., Hospital Chap., June 30, 1864; honorably mustered out June 29, 1865.
- Croxton, John T., Brig.-Gen., July 30, 1864; brevetted Maj.-Gen.; resigned Dec. 26, 1865.
- Clark, James T., Capt. and Ass't Q. M., Dec. 2, 1863; honorably mustered out Mar. 13, 1866.
- Campbell, John B., Capt. and Ass't Q. M., May 7, 1864; brevetted Maj.; honorably mustered out June 20, 1866.
- Chevalier, Arthur H., Capt. and Com. Sub., May 18, 1864; honorably mustered out Feb. 2, 1866.
- Cook, Milton J., Capt. and Com. Sub., Feb. 21, 1865; honorably mustered out June 15, 1865.
- Dobyns, Geo. H., Capt. and Ass't Q. M., Feb. 29, 1864; honorably mustered out Jan. 8, 1866.
- Dunlap, H. C., Bvt. Brig.-Gen., Mar. 13, 1865; was Col. Third Kentucky Infantry.
- Edwards, Z. C., Capt. and Ass't Q. M., Sept. 18, 1861.
- Ernest, Wm. D., Capt. and Ass't Q. M., Nov. 26, 1862; dismissed Mar. 25, 1865.
- Fry, John, Capt. and Com. Sub., Oct. 31, 1861; brevetted Maj., Mar. 13, 1865; honorably mustered out Feb. 2, 1866.
- Fry, Speed S., Brig.-Gen., Mar. 21, 1862; honorably mustered out Aug. 24, 1865.
- Fullerton, Wm. G., Maj. and Paymaster, Nov. 26, 1862; resigned April 1, 1865.
- Goldsmith, M., Maj. and Surg., Oct. 30, 1861; brevetted Lieut.-Col.; honorably mustered out Jan. 18, 1866.
- Garrard, Theophilus T., Brig.-Gen., Nov. 29, 1862; honorably mustered out Apr. 4, 1864.
- Goodloe, Wm. C., Capt. and Ass't Adjt.-Gen., June 1, 1863; resigned Jan. 31, 1864.
- Gordon, Wm. A., Ass't Surg., Nov. 25, 1864; brevetted Maj.; honorably mustered out Nov. 22, 1865.
- Huber, J. F., Capt. and Com. Sub., Oct. 25, 1861; brevetted Maj.; honorably mustered out Oct. 12, 1865.
- Hatchitt, James G., Maj. and Surg., Apr. 4, 1862; brevetted Lieut.-Col.; honorably mustered out Dec. 8, 1865.
- Hopkins, Orlando J., Capt. and Com. Sub., July 17, 1862; brevetted Maj.; honorably mustered out May 31, 1866.
- Hall, Gustavus A., Military Storekeeper, July 21, 1862.
- Hobson, Edward H., Brig.-Gen., Nov. 29, 1862; honorably mustered out Aug. 24, 1865.
- Hoffman, Joel E., Capt. and Ass't Adjt.-Gen., July 21, 1863; resigned May 19, 1864.
- Hayes, Job. J., Capt. and Com., Sept. 4, 1863; brevetted Maj.; honorably mustered out July 15, 1865.
- Hawthorn, Leroy R., Capt. and Com. Sub., Apr. 7, 1864; honorably mustered out Jan. 27, 1866.
- Henry, Thos. H., Ass't Surg., June 30, 1864.
- Hunter, Hiram A., Hospital Chaplain, Sept. 28, 1864; honorably mustered out Oct. 12, 1865.
- Holloway, Geo. A., Capt. and Ass't Adjt.-Gen., —————; resigned Dec. 27, 1864.
- Hollingsworth, C. P., Bvt. Capt., March 13, 1865.
- Holloway, William, Maj. and Paymaster, Feb. 19, 1863; honorably mustered out Nov. 15, 1865.
- Jones, Stephen E., Capt. and Aide-de-Camp, July 9, 1862; resigned Mar. 13, 1865.



- Jackson, James S., Brig.-Gen., July 16, 1862; killed Oct. 8, 1862, at battle of Perryville, Ky.
- Johnson, J. H., Capt. and Com. Sub., Oct. 22, 1862; brevetted Maj.; honorably mustered out Dec. 8, 1865.
- Johnson, Richard W., Brig.-Gen., Oct. 11, 1861; brevetted Maj.-Gen. Dec. 16, 1864; honorably mustered out Jan. 15, 1866.
- Keenon, John G., Maj. and Surg., Oct. 9, 1861; died Aug. 12, 1864, at Memphis, Tenn.
- Keefer, H. G., Ass't Surg., June 30, 1864; brevetted Maj. Mar. 13, 1865; honorably mustered out Jan. 27, 1866.
- Kniffin, G. C., Capt. and Com. Sub., Aug. 20, 1861; Lieut.-Col. and Chief C. S. Twenty-first Army Corps, Jan. 20, 1861; honorably mustered out July 19, 1865.
- Letcher, Saml. M., Bvt. Col., July 25, 1865; was Major of Twelfth Kentucky Infantry.
- Long, Eli, Brig.-Gen., Aug. 18, 1864; brevetted Maj.-Gen. Mar. 13, 1865; honorably mustered out Jan. 15, 1866.
- Mackenzie, J. M., Capt. and Com. Sub., Oct. 31, 1864; brevetted Maj.; honorably mustered out Aug. 31, 1865.
- McMillan, Thos., Ass't Surg., Aug. 19, 1862; brevetted Maj. Mar. 13, 1865.
- McDowell, H. C., Capt. and Ass't Adjt.-Gen., Nov. 19, 1861; resigned Aug. 27, 1862.
- McDowell, Wm. P., Maj. and Ass't Adjt.-Gen., Mar. 11, 1863; resigned Dec. 9, 1863.
- McKenzie, Alex., Capt. and Ass't Q. M., Jan. 27, 1865; honorably mustered out Aug. 15, 1865.
- Murray, Eli. H., Bvt. Brig.-Gen., Mar. 25, 1865; was Col. Third Kentucky Veteran Cavalry.
- Monroe, Geo. W., Bvt. Brig.-Gen., Mar. 13, 1865; was Col. Seventh Kentucky Veteran Infantry.
- Milward, H. K., Bvt. Col., Mar. 13, 1865; was Lieut.-Col. Eighteenth Kentucky Veteran Infantry.
- Nelson, Wm., Maj.-Gen., July 7, 1862; was Brig.-Gen. from Sept. 16, 1861; died Sept. 29, at Louisville, Ky.
- Neal, Wm. L., Capt. and Ass't Q. M., May 18, 1864; honorably mustered out July 28, 1865.
- Nelson, Abial W., Ass't Surgeon, Dec. 13, 1864.
- Oldershaw, Percival P., Capt. and Ass't Adjt.-Gen., Aug. 26, 1862; resigned Nov. 6, 1863.
- Piatt, Benjamin M., Maj. and Ass't Adjt.-Gen., May 16, 1862; honorably mustered out Nov. 22, 1865.
- Peay, J. Speed, Capt. and Ass't Adjt.-Gen., July 15, 1862; resigned May 2, 1863.
- Paul, Augustus C., Capt. and Ass't Adjt.-Gen., June 1, 1863; appointed Second Lieut. of Twelfth U. S. Infantry, May 11, 1866.
- Purnell, Thomas F., Capt. and Ass't Q. M., May 8, 1863; honorably mustered out March 20, 1866.
- Rousseau, Lovell H., Maj.-Gen., Oct. 8, 1862; was Brig.-Gen. from Oct. 1, 1861; resigned Nov. 30, 1865.
- Speed, Philip, Maj. and Paymaster, Sept. 11, 1861; resigned Dec. 23, 1862.
- Starling, Lyne, Maj. and Ass't Adjt.-Gen., Aug. 13, 1862; was Capt. and Ass't Adjt.-Gen. from Oct. 10, 1861; resigned Jan. 20, 1864.
- Sinton, T. R., Capt. and Com. Sub., Sept. 23, 1861; resigned Oct. 10, 1862.
- Spillman, G. F., Capt. and Com. Sub., May 12, 1862; brevetted Maj.; honorably mustered out July 19, 1865.
- Smith, Green Clay, Brig.-Gen., June 11, 1862; resigned Dec. 1, 1863.

- Semple, Alexander C., Capt. and Ass't Adjt.-Gen., Sept. 29, 1862; resigned March 18, 1864.
- Shackleford, James M., Brig.-Gen., Jan. 2, 1863; resigned Jan. 18, 1864.
- Speed, John, Capt. and Ass't Adjt.-Gen., March 11, 1863; vacated by appointment as additional Paymaster, March 22, 1865.
- Smith, Rodney, Maj. and Paymaster, Feb. 23, 1864.
- Sanders, Wm. P., Brig.-Gen., Oct. 18, 1863; died Nov. 19, 1863; of wounds received in action at Knoxville, Tenn.
- Starks, Wm. M., Capt. and Ass't Q. M., May 18, 1864; canceled.
- Speed, John, Maj. and Paymaster, March 22, 1865; resigned May 19, 1865.
- Speer, Alexander M., Ass't Surgeon, Feb. 19, 1863; brevetted Maj.; honorably mustered out Oct. 7, 1865.
- Stout, Alexander M., Bvt. Brig.-Gen., March 13, 1865; was Col. Seventeenth Kentucky Infantry.
- Terrell, Wm. G., Maj. and Paymaster, Aug. 31, 1861; brevetted Lieut.-Col.; honorably mustered out Dec. 1, 1865.
- Thustin, L. T., Maj. and Paymaster, Sept. 11, 1861; brevetted Lieut.-Col.; honorably mustered out April 30, 1866.
- Terrell, C. M., Maj. and Paymaster, June 30, 1862.
- Terry, Josiah M., Capt. and Com. Sub., Nov. 26, 1862.
- Tevis, Joshua, Capt. and Com. Sub., Nov. 26, 1862; canceled.
- Tarbell, Doctor, Capt. and Com. Sub., Nov. 26, 1862; honorably mustered out July 27, 1865.
- Threlkeld, Wm., Maj. and Surgeon, July 9, 1863; was Ass't Surg. from April 23, 1863; brevetted Lieut.-Col.; honorably mustered out Aug. 25, 1865.
- Talbott, Wm. K., Hospital Chaplain, April 22, 1863; honorably mustered out July 15, 1865.
- Tureman, James F., Maj. and Paymaster, April 21, 1864; died Oct. 28, 1864, at Cincinnati, Ohio.
- Thorp, James C., Ass't Surg., Nov. 25, 1864; resigned April 17, 1865.
- Ward, Wm. T., Brig.-Gen., Sept. 18, 1861; brevetted Maj.-Gen. Feb. 24, 1865; honorably mustered out Aug. 24, 1865.
- Williams, J. D., Capt. and Com. Sub., Sept. 18, 1861; honorably mustered out Jan. 3, 1866.
- Waggner, Robert J., Capt. and Ass't Adjt.-Gen., Oct. 8, 1861; killed in action May 28, 1864, near Dallas, Ga.
- Webster, George P., Capt. and Ass't Q. M., May 12, 1862.
- Wolfley, Wm. J., Maj. and Surgeon, May 18, 1864; was Ass't Surgeon from April 16, 1862; brevetted Lieut.-Col., June 1, 1865; honorably mustered out July 18, 1865.
- Webster, R. C., Capt. and Ass't Q. M., Sept. 30, 1861.
- Whitaker, Walter C., Brig.-Gen., June 25, 1863; brevetted Maj.-Gen. March 13, 1865; honorably mustered out Aug. 24, 1865.
- Williams, B. D., Capt. and A. D. C., March 11, 1863; honorably mustered out Nov. 11, 1865.
- Wright, John A., Capt. and Ass't Adjt.-Gen., May 18, 1864; honorably mustered out Feb. 21, 1866.
- Woodson, Wm. C., Maj. and Paymaster, May 28, 1864; honorably mustered out Nov. 15, 1865.
- Watkins, Louis D., Brig.-Gen., Sept. 25, 1865; was Bvt. Brig.-Gen. from June 24, 1864; honorably mustered out April 30, 1866.
- Wolcott, Francis E., Maj. and Judge Advocate, Dec. 17, 1864; for the Army of the Ohio.
- Wood, Thomas J., Maj.-Gen., Jan. 27, 1865; was Brig.-Gen. from Oct. 11, 1861; appointed Bvt. Brig.-Gen., U. S. A., March 13, 1865.
- Young, Berry S., Maj. and Paymaster, April 21, 1864; resigned Feb. 24, 1865.

## FIELD AND STAFF

## INFANTRY—FIRST REGIMENT

James V. Guthrie, colonel; resigned Dec. 21, 1861.  
 David A. Enyart, colonel; lieutenant-colonel, from muster-in to Jan. 22, 1862.  
 Bart G. Leiper, lieutenant-colonel; major from muster-in to Jan. 22, 1862.  
 Frank P. Cahill, lieutenant-colonel; promoted lieutenant-colonel Nov. 6, 1862; resigned Aug. 17, 1863.  
 Alva R. Hadlock, lieutenant-colonel; promoted lieutenant-colonel Sept. 1, 1863.  
 James W. Mitchell, major; captain Company G; promoted major Sept. 1, 1863.  
 James W. Conine, adjutant; transferred to Company E, Sept. 1, 1861, as first lieutenant.  
 Courtland W. King, adjutant; promoted adjutant from sergeant major Sept. 1, 1861.  
 John A. Wright, adjutant; appointed from civil life Jan. 22, 1862.  
 Franklin W. Fee, regimental quartermaster.  
 Samuel G. Menzies, surgeon.  
 William L. White, assistant surgeon; resigned Jan. 22, 1862.  
 John Dickerson, assistant surgeon; promoted from hospital steward Jan. 22, 1862.

## INFANTRY—SECOND REGIMENT

William E. Woodruff, colonel; taken prisoner at battle of Scury Creek, Va., July 17, 1861.  
 Thomas D. Sedgewick, colonel; promoted from major to colonel, Jan. 25, 1862.  
 George W. Neff, lieutenant-colonel; taken prisoner July 17, 1861, at battle of Scury Creek, Va.  
 Warner Spencer, lieutenant-colonel; promoted lieutenant-colonel Jan. 25, 1862.  
 John R. Hurd, lieutenant-colonel; promoted lieutenant-colonel Jan. 13, 1863.  
 Oliver L. Baldwin, major; promoted to colonel Fifth Kentucky Cavalry Jan. 1, 1864.  
 Fernando Cook, major; promoted from captain, Company E. to major March 9, 1864.  
 Henry Wimedell, adjutant; assigned to Company A as first lieutenant Jan. 1, 1864.  
 Thomas N. Davis, adjutant; appointed adjutant Jan. 1, 1864.  
 Gilbert H. Clemens, regimental quartermaster; appointed regimental quartermaster June 12, 1861.  
 Joseph M. Blundell, regimental quartermaster; appointed regimental quartermaster Sept. 16, 1861.  
 James W. Poe, regimental quartermaster; appointed regimental quartermaster April 13, 1863.  
 John F. White, surgeon; resigned Jan. 20, 1862.  
 David J. Griffiths, surgeon; appointed surgeon Feb. 6, 1862.  
 Stephen P. Bonner, ass't surgeon; resigned Feb. 12, 1862.  
 Lawrence Russell, ass't surgeon; resigned May 7, 1862.  
 James E. Cox, ass't surgeon; resigned Dec. 6, 1863.  
 William L. Reed, ass't surgeon; promoted from hospital steward to ass't surgeon; Dec. 12, 1862.  
 Frederick Rectanus, ass't surgeon; appointed ass't surgeon March 2, 1864.

## INFANTRY—THIRD REGIMENT

Thomas E. Bramlette, colonel; resigned July 13, 1862; at Decherd, Tenn.  
William T. Scott, colonel; promoted colonel July 13, 1862.  
Samuel McKee, colonel; promoted colonel Dec. 7, 1862.  
William H. Spencer, colonel; promoted colonel Dec. 7, 1862.  
Henry C. Dunlap, colonel; promoted from captain, Company A.  
Daniel R. Collier, lieutenant-colonel; promoted lieutenant-colonel Dec. 7, 1862.  
William A. Bullitt, lieutenant-colonel; promoted lieutenant-colonel April 19, 1863.  
Charles H. Buford, major; resigned May 2, 1862.  
John Brennan, major; wounded at Kenesaw, Ga., June 27, 1864.  
Garvin D. Hunt, adjutant; died Nov. 30, 1863, of wounds received at Mission Ridge.  
Henry Porter, adjutant; promoted from first lieutenant, Company C, April 5, 1864.  
Benj. F. Wayne, regimental quartermaster; resigned May 1, 1862.  
Thomas M. Shelby, Jr., regimental quartermaster; resigned Sept. 15, 1862.  
Richard J. West, regimental quartermaster; promoted from private Fifth Kentucky Infantry.  
Hector Owens, surgeon; resigned Jan. 22, 1863.  
Joseph Foreman, surgeon; resigned Sept. 9, 1863.  
John B. Burns, surgeon.  
James G. Turk, ass't surgeon; resigned Aug. 5, 1862.  
Samuel K. Rhorer, ass't surgeon; promoted from hospital steward.  
James R. Scott, ass't surgeon.  
Richard H. Gray, chaplain; resigned April 13, 1862, at Shiloh, Tenn.  
Jacob Cooper, chaplain; resigned Sept. 30, 1863, at Nashville, Tenn.

## INFANTRY—FOURTH REGIMENT

Speed S. Fry, colonel; promoted to brigadier-general March 21, 1862.  
John T. Croxton, colonel; promoted brigadier-general Aug. 16, 1864.  
Robert M. Kelly, colonel; promoted colonel Aug. 25, 1864.  
P. Burgess Hunt, lieutenant-colonel; promoted lieutenant-colonel March 23, 1862.  
Josephus H. Tompkins, lieutenant-colonel; promoted lieutenant-colonel Aug. 25, 1864.  
Joshua W. Jacobs, major; promoted major June 7, 1865.  
William Goodloe, adjutant; resigned Nov. 6, 1862.  
Charles V. Ray, adjutant; transferred to first lieutenant to Company H, Sept. 29, 1864.  
Charles T. Schable, adjutant; promoted adjutant Sept. 29, 1864.  
Michael B. Hope, regimental quartermaster; transferred to Company B, Aug. 16, 1863.  
Minor C. Humston, regimental quartermaster; promoted regimental quartermaster Aug. 15, 1863.  
James R. White, regimental quartermaster; promoted regimental quartermaster Dec. 19, 1864.  
Stephen L. Burdett, surgeon.  
Mathew H. Young, surgeon; promoted surgeon Oct. 24, 1864.  
Harrison Phillips, ass't surgeon.  
John W. Jacobs, chaplain; died at Lebanon, Ky., Jan. 20, 1862.  
John R. Eades, chaplain; resigned June 4, 1863.

## INFANTRY—FIFTH REGIMENT

Lovell H. Rousseau, colonel; promoted to brigadier-general Oct. 5, 1861.  
Harvey M. Buckley, colonel; promoted colonel Oct. 5, 1861.

William W. Berry, colonel; promoted to colonel Feb. 9, 1863.  
 John L. Treanor, lieutenant-colonel; promoted lieutenant-colonel Feb. 23, 1863.  
 Charles L. Thomasson, major; killed at battle of Chickamauga Sept. 19, 1863.  
 Henry C. Dunlap, adjutant; resigned to accept commission as captain in Third Kentucky Infantry.  
 Edward W. Johnstone, adjutant; promoted to adjutant Dec. 22, 1862.  
 Thomas C. Pomroy, regimental quartermaster; resigned June 17, 1862.  
 John M. Moore, regimental quartermaster; promoted regimental quartermaster Sept. 10, 1862.  
 John Matthews, surgeon; resigned Feb. 1, 1862.  
 Enos S. Swain, surgeon; promoted from assistant surgeon to surgeon Oct. 1, 1862.  
 William E. Gilpin, assistant surgeon; resigned Nov. 23, 1861.  
 Samuel J. F. Miller, assistant surgeon; promoted to assistant surgeon May 1, 1862.  
 James H. Bristow, chaplain.

#### INFANTRY—SIXTH REGIMENT

Walter C. Whitaker, colonel; promoted brigadier-general June 30, 1863.  
 George T. Shackelford, colonel; promoted to colonel July 27, 1863; wounded at battle of Chickamauga.  
 George T. Cotton, lieutenant-colonel; killed at battle of Stone River, Dec. 31, 1862.  
 Richard C. Dawkins, lieutenant-colonel; promoted to lieutenant-colonel May 25, 1864.  
 William N. Hailman, major; appointed Dec. 10, 1861; honorably discharged March 14, 1862.  
 Alfred Martin, major; promoted major March 28, 1862.  
 Richard T. Whitaker, major; appointed major March 12, 1863; resigned May 11, 1864.  
 Ferdinand Evans, adjutant; promoted; resigned Nov. 15, 1862.  
 William H. Middleton, adjutant; appointed from civil life; died of disease March 1, 1863.  
 William Jones, adjutant; promoted to captain Company A, May 22, 1864.  
 Lewis M. Perry, adjutant; promoted adjutant June 7, 1864.  
 Michael Billings, quartermaster; appointed Dec. 10, 1861; resigned March 10, 1862.  
 Harvey R. Wolfe, quartermaster; appointed from private Company H, March 28, 1862.  
 Joseph S. Drane, surgeon; appointed Dec. 12, 1861.  
 Abner B. Coons, assistant surgeon; appointed Dec. 10, 1861; died of disease March 4, 1862.  
 Edmund S. Long, assistant surgeon; appointed May 15, 1862, from civil life.  
 James J. Johnston, chaplain; appointed from civil life Aug. 15, 1862; resigned Sept. 24, 1863.

#### INFANTRY—SEVENTH REGIMENT

T. T. Garrard, colonel; promoted to brigadier-general Nov. 24, 1862.  
 Reuben May, colonel; promoted from lieutenant-colonel Eighth Kentucky Infantry May 12, 1863.  
 J. W. Ridgell, lieutenant-colonel; resigned Jan. 23, 1863.  
 John Lucas, lieutenant-colonel; appointed lieutenant-colonel April 23, 1863; resigned Jan. 30, 1864.

- T. J. Daniel, lieutenant-colonel; appointed lieutenant-colonel May 9, 1864; resigned Sept. 24, 1864.  
I. N. Cardwell, major; resigned Feb. 15, 1863.  
H. W. Adams, major; promoted to major Feb. 16, 1863; resigned Aug. 5, 1863.  
E. B. Treadway, major; promoted major Jan. 1, 1864; resigned Sept. 24, 1864.  
Henry Brennan, adjutant; promoted to captain in Twentieth Infantry Nov. 1, 1862.  
J. C. Culton, adjutant; promoted adjutant July 4, 1864.  
J. C. Horton, quartermaster; resigned March 27, 1862.  
W. W. Watkins, quartermaster; promoted regimental quartermaster March 27, 1862.  
W. H. Jackson, quartermaster; promoted from quartermaster sergeant Jan. 1, 1863.  
William Berry, surgeon; resigned April 30, 1864.  
A. B. Conant, surgeon; promoted surgeon from assistant surgeon May 10, 1864.  
Henry Tammage, assistant surgeon; resigned April 13, 1862.  
C. L. C. Herndon, assistant surgeon; promoted assistant surgeon May 10, 1864.  
T. S. Paul, chaplain; appointed chaplain, Aug. 15, 1863.

## INFANTRY—EIGHTH REGIMENT

- Sidney M. Barnes, colonel; resigned Jan. 11, 1864.  
Reuben May, lieutenant-colonel; promoted to colonel Seventh Kentucky Infantry May 8, 1863.  
James D. Mayhew, lieutenant-colonel; promoted from captain, Company A, May 8, 1863.  
Green B. Broaddus, major; resigned April 26, 1863.  
John S. Clark, major; promoted from adjutant April 27, 1863.  
Thomas E. Park, adjutant; promoted from sergeant-major April 28, 1863.  
Joseph H. Gardner, quartermaster; resigned Nov. 20, 1861.  
Thompson Burnham, Jr., quartermaster; resigned March 15, 1863.  
James M. Kindred, quartermaster; promoted from quartermaster sergeant May 28, 1863.  
John R. Pirtle, surgeon; resigned Dec. 23, 1862.  
John Mills, surgeon; promoted from assistant surgeon Dec. 24, 1862.  
William Robinson, assistant surgeon; dismissed Aug. 4, 1863.  
C. H. Morton, assistant surgeon; resigned Dec. 2, 1862.  
Timothy S. Paul, chaplain.  
James W. Kindred, chaplain.

## INFANTRY—NINTH REGIMENT

- Benjamin C. Gridler, colonel; resigned Feb. 3, 1863.  
George H. Cram, colonel; promoted to colonel March 10, 1863.  
Allen J. Roark, lieutenant-colonel; died April 17, 1862, at Nashville, Tenn.  
John H. Gridler, lieutenant-colonel; promoted to lieutenant-colonel March 18, 1863.  
Chesley D. Bailey, lieutenant-colonel; promoted to lieutenant-colonel May 18, 1863.  
William J. Henson, major; resigned April 17, 1862.  
William Starling, major; promoted major from captain, Company C, May 18, 1863.

John H. Shepherd, adjutant; wounded and captured at Chickamauga, Sept. 19, 1863.  
Benjamin S. Coffey, regimental quartermaster; resigned June 9, 1862.  
Francis M. Cummings, regimental quartermaster; resigned Feb. 17, 1863.  
Frank White, regimental quartermaster; appointed from Fifty-ninth Ohio Volunteer Infantry, March 2, 1863.  
James R. Duncan, surgeon; resigned Jan. 11, 1862.  
Thomas R. W. Jeffray, surgeon.  
John A. Lindsay, assistant surgeon.  
John Chamberlain, assistant surgeon; resigned April 16, 1863.  
James C. Rush, chaplain; resigned Nov. 7, 1862.

## INFANTRY—TENTH REGIMENT

John M. Harlan, colonel; resigned March 6, 1863.  
William H. Hays, colonel; promoted from lieutenant-colonel to colonel March 11, 1863.  
Gabriel C. Wharton, lieutenant-colonel; promoted from major to lieutenant-colonel March 11, 1863.  
Henry G. Davidson, major; promoted from captain, Company A, to major March 11, 1863.  
William J. Lisle, adjutant; was adjutant to March 11, 1863.  
Austin P. McGuire, adjutant; promoted to first lieutenant and adjutant March 11, 1863.  
Samuel Matlock, quartermaster; on detached service March 6, 1863, to Nov. 21, 1864.  
William Atkisson, surgeon; died April 14, 1862.  
James G. Hatchitt, surgeon; promoted brigade surgeon June 26, 1862.  
Jabez Perkins, surgeon; Nov. 18, 1863, commissioned as surgeon United States Volunteers.  
Charles H. Stocking, surgeon; promoted from assistant surgeon to surgeon April 4, 1864.  
Thomas M. Knott, assistant surgeon; died April 5, 1862.  
Charles Hardesty, assistant surgeon; appointed assistant surgeon April 5, 1862.  
Richard C. Nash, chaplain.

## INFANTRY—ELEVENTH REGIMENT

Pierce B. Hawkins, colonel.  
S. P. Love, colonel; promoted from lieutenant-colonel to colonel June 26, 1863.  
Erasmus L. Mottley, lieutenant-colonel; promoted from major to lieutenant-colonel June 26, 1863.  
Woodford M. Houchin, major; promoted from captain, Company E, to major Feb. 1, 1864.  
Eugene F. Kinnaird, major.  
John T. Kinnaird, adjutant.  
J. H. Reno, quartermaster.  
Vincent S. Hay, quartermaster.  
Joseph Kerby, quartermaster; promoted from private Company G.  
John F. Bimbley, surgeon.  
James T. Higgins, assistant surgeon; promoted from hospital steward.  
Samuel Simpson, assistant surgeon.  
Porter H. Calvert, chaplain; promoted from private, Company K, to chaplain Sept. 25, 1863.  
Lewis P. Arnold, chaplain.

## INFANTRY—TWELFTH REGIMENT

William A. Hoskins, colonel.  
Laurence H. Rosseau, lieutenant-colonel; promoted from captain of Company C to lieutenant-colonel Aug. 11, 1862; commissioned colonel April 21, 1864, but never mustered as such; transferred to Twelfth Kentucky Veteran Infantry.  
Montgomery Howard, lieutenant-colonel.  
William M. Worsham, major.  
Joseph M. Owens, major; promoted from captain, Company B, July 15, 1862.  
John M. Hail, adjutant.  
James F. McKee, adjutant.  
Ephraim F. Hay, adjutant.  
G. K. Noland, regimental quartermaster.  
Snowden P. Worsham, regimental quartermaster; transferred to the Twelfth Kentucky Veteran Infantry.  
Edward Richardson, surgeon.  
Wm. H. Mullins, surgeon; promoted from assistant surgeon, June 6, 1862; transferred to Twelfth Kentucky Veteran Infantry.  
Americus V. Winfrey, assistant surgeon.  
W. Morgan Pollitt, assistant surgeon; promoted from hospital steward of the Sixteenth Kentucky Infantry April 9, 1863.  
Lewis Parker, chaplain.

## INFANTRY—THIRTEENTH REGIMENT

Edward H. Hobson, colonel.  
William E. Hobson, colonel; promoted to lieutenant-colonel Feb. 15, 1863, to colonel March 13, 1863.  
John B. Carlisle, lieutenant-colonel.  
Benjamin P. Estes, lieutenant-colonel; promoted to lieutenant-colonel May 15, 1863.  
John P. Duncan, major; promoted to major March 25, 1863.  
Wm. W. Woodruff, adjutant.  
John S. Butler, adjutant; promoted to captain and assistant adjutant-general Dec. 5, 1863.  
George W. Flowers, adjutant; promoted to adjutant Aug. 15, 1864.  
Wm. B. Craddock, regimental quartermaster.  
Gann M. Smith, regimental quartermaster; promoted to regimental quartermaster March 12, 1862.  
Charles D. Moore, surgeon.  
Isaac G. Ingram, assistant surgeon.  
Edward S. Cooper, assistant surgeon.  
Flavu J. Taylor, assistant surgeon; promoted to assistant surgeon Jan. 10, 1863.  
Isaac W. Emmerson, chaplain.  
Wm. C. Johnston, chaplain.  
John R. Barbee, chaplain.

## INFANTRY—FOURTEENTH REGIMENT

Laban T. Moore, colonel.  
John C. Cochran, colonel.  
George W. Gallup, colonel; promoted to colonel Jan. 13, 1863.  
Joseph R. Brown, lieutenant-colonel.  
Orlando Brown, Jr., lieutenant-colonel; promoted to lieutenant-colonel Jan. 13, 1863.



Rhys M. Thomas, lieutenant-colonel; promoted to lieutenant-colonel Sept. 29, 1864.  
 Wm. B. Burke, major.  
 Drury J. Burchett, major; promoted to major Sept. 29, 1864.  
 John F. Babbitt, adjutant.  
 Edward J. Roberts, adjutant; promoted from sergeant-major March 1, 1862.  
 James D. Foster, regimental quartermaster; promoted to regimental quartermaster June 3, 1862.  
 S. J. Yates, surgeon.  
 Akin C. Miller, surgeon.  
 Strother J. Yates, surgeon.  
 Franklin M. Meacham, assistant surgeon.  
 Samuel D. Richards, assistant surgeon.  
 Benj. A. Stubbins, assistant surgeon.  
 Cyrus L. Mobley, assistant surgeon; promoted from hospital steward Dec. 15, 1862.  
 A. J. McMillan, chaplain.  
 Robert B. Herron, chaplain.

#### INFANTRY—FIFTEENTH REGIMENT

Curran Pope, colonel; died Nov. 5, 1862, of wounds received at battle of Chaplin Hills Oct. 8, 1862.  
 James B. Forman, colonel; killed at battle of Stone River, Tenn., Dec. 31, 1862.  
 Marion C. Taylor, colonel; promoted from captain, Company A, to colonel Jan. 1, 1863.  
 George P. Jouett, lieutenant-colonel; killed at battle of Chaplin Hills, Oct. 8, 1862.  
 Joseph R. Snider, lieutenant-colonel; promoted from captain, Company B, Oct. 9, 1862.  
 Noah Cartwright, lieutenant-colonel; promoted to lieutenant-colonel July 13, 1863.  
 William G. Halpin, lieutenant-colonel; promoted to lieutenant-colonel Jan. 26, 1864.  
 William P. Campbell, major; killed in battle of Chaplin Hills, Ky., Oct. 8, 1862.  
 Henry F. Kalfus, major; promoted major Oct. 9, 1862.  
 James S. Allen, major; promoted to major March 1, 1864.  
 Ahimaaz H. Chambers, major; promoted to major April 11, 1864.  
 William P. McDowell, adjutant; major in adjutant-general's department.  
 David N. Sharp, adjutant; promoted to adjutant April 15, 1863.  
 John W. Clarke, regimental quartermaster; resigned Feb. 10, 1863.  
 Woodford Hall, regimental quartermaster; promoted to first lieutenant and quartermaster March 15, 1863.  
 Luther P. Weatherby, surgeon; resigned July 16, 1862.  
 Richard F. Logan, surgeon; promoted from assistant surgeon July 16, 1862.  
 Edward H. Dunn, surgeon; promoted from assistant surgeon Nov. 28, 1862.  
 Eli D. Whitaker, assistant surgeon.  
 Ezra Woodruff, assistant surgeon.  
 Jeremiah J. Talbott, chaplain; resigned Nov. 18, 1863.  
 William C. Atmore, chaplain; resigned Aug. 7, 1862.  
 Samuel T. Poinier, chaplain; resigned April 5, 1863.

## INFANTRY—SIXTEENTH REGIMENT

Charles A. Marshall, colonel; resigned May 1, 1862.  
James W. Craddock, colonel; died June 2, 1863.  
James W. Gault, colonel; promoted to colonel June 3, 1863.  
Joseph Doniphan, lieutenant-colonel; resigned March 13, 1862.  
Joseph B. Harris, lieutenant-colonel; promoted from major to lieutenant-colonel March 15, 1862.  
Thos. E. Burns, lieutenant-colonel; promoted to lieutenant-colonel June 3, 1863.  
Jno. S. White, lieutenant-colonel; promoted from first lieutenant, Company A.  
James P. Harbeson, major; promoted from captain, Company H, to major, July 20, 1862.  
Ralph Robinson Maltby, adjutant; resigned July 29, 1862.  
Joseph Dudley, adjutant; promoted to adjutant July 29, 1862.  
Chas. A. Love, adjutant; promoted to adjutant July 14, 1864.  
Samuel B. Patterson, quartermaster; dismissed March 25, 1863.  
Wiley T. Poynter, quartermaster.  
James A. Andrews, quartermaster; promoted from quartermaster sergeant.  
Simon M. Cartmell, surgeon.  
Frederick M. Taylor, surgeon; promoted from assistant surgeon to surgeon December 4, 1864.  
William C. R. Harrison, assistant surgeon; resigned January 9, 1862.  
Lewis J. Jones, assistant surgeon; transferred to Sixteenth Kentucky Veteran Infantry.  
John S. Bayless, chaplain; transferred to Sixteenth Kentucky Veteran Infantry.

## INFANTRY—SEVENTEENTH REGIMENT

James M. Shackelford, colonel; resigned March 23, 1862, as colonel Twenty-fifth Kentucky Volunteer Infantry.  
John H. McHenry, Jr., colonel; organized Seventeenth Regiment.  
Alexander M. Stout, colonel; promoted colonel January 27, 1863; was wounded severely at Shiloh.  
Benj. H. Bristow, lieutenant-colonel; resigned April 15, 1862, as lieutenant-colonel Twenty-fifth Kentucky Volunteers.  
Robert Vaughan, lieutenant-colonel; wounded September 20, 1863, at Chickamauga, Georgia.  
William B. Wall, major; resigned April 15, 1862, as major Twenty-fifth Kentucky Volunteers.  
Isaac Calhoon, major; promoted major December 31, 1861.  
David M. Claggett, major; was captain Company C, Twenty-fifth Kentucky Volunteers, to April 13, 1862.  
John P. Ritter, adjutant; resigned April 16, 1862, as adjutant Twenty-fifth Kentucky Volunteer Infantry.  
Edmund L. Starling, adjutant; resigned April 16, 1862, as adjutant Seventeenth Kentucky Volunteer Infantry.  
George W. Gist, adjutant; promoted captain Company D April 23, 1863.  
John M. Williams, adjutant; promoted adjutant June 15, 1863; died Aug. 9, 1863.  
George Deering, adjutant; promoted adjutant Oct. 14, 1863.  
Benjamin T. Perkins, regimental quartermaster; resigned April 16, 1862.  
Richeson W. Allen, regimental quartermaster; resigned July 3, 1862.  
John T. Jackson, regimental quartermaster; resigned March 11, 1863.  
Richard C. Gill, regimental quartermaster.  
Burkett Cloak, surgeon; resigned April 16, 1862, as surgeon Twenty-fifth Kentucky Volunteer Infantry.

Warren J. Burgess, surgeon.  
 Addison P. Shackelford, assistant surgeon; resigned March 4, 1862, as assistant surgeon Twenty-fifth Kentucky Volunteers.  
 Albert D. Cosby, assistant surgeon; resigned Dec. 13, 1862.  
 George W. Warmoth, assistant surgeon; resigned April 16, 1862, as assistant surgeon Twenty-fifth Kentucky Volunteers.  
 Stuart Hubbard, assistant surgeon.  
 Jno. W. Compton, assistant surgeon; resigned March 24, 1863.  
 George W. Kinsoloing, chaplain; resigned April 3, 1862.

#### INFANTRY—EIGHTEENTH REGIMENT

William A. Warner, colonel; wounded at Richmond, Kentucky, Aug. 30, 1862.  
 John J. Landrum, lieutenant-colonel; wounded at Richmond, Kentucky, Aug. 30, 1862.  
 H. K. Milward, lieutenant-colonel; commissioned colonel Dec. 19, 1863, but never mustered.  
 Fred'k G. Bracht, major; resigned Jan. 14, 1863.  
 Abram G. Wileman, major; killed by guerillas Oct. 5, 1863, in Pendleton County, Kentucky.  
 John W. Robbins; commissioned lieutenant-colonel Dec. 19, 1863, but never mustered.  
 John J. Hall, major; promoted from second lieutenant, Company H, to first lieutenant August 2, 1862; to captain August 30, 1862; to major November 10, 1864; transferred to Eighteenth Kentucky Veteran Infantry.  
 Alvin B. Clark, adjutant; promoted adjutant Jan. 15, 1863.  
 John W. Hamilton, adjutant; transferred to Eighteenth Kentucky Veteran Infantry.  
 James T. Clark, regimental quartermaster; promoted to captain and assistant quartermaster Dec. 15, 1863.  
 John Moss, regimental quartermaster; transferred to field and staff as regimental quartermaster Dec. 25, 1863.  
 Joseph Fithian, surgeon; resigned March 30, 1865.  
 J. C. Elliott, assistant surgeon; surgeon of the One Hundredth United States Colored Infantry.  
 Asa Drury, chaplain; resigned Oct. 4, 1863.  
 L. D. Parker, chaplain; transferred to Eighteenth Kentucky Veteran Infantry.

#### INFANTRY—NINETEENTH REGIMENT

William J. Landrum, colonel.  
 John Cowan, lieutenant-colonel.  
 John R. Duncan, major; resigned Feb. 14, 1863.  
 Morgan V. Evans, major; killed in battle of Vicksburg, Miss., May 22, 1863.  
 Josiah J. Mann, major; promoted from captain Company F to major May 23, 1863.  
 Richard L. Cochran, adjutant; resigned Feb. 14, 1863.  
 George C. Rue, adjutant; promoted to adjutant April 2, 1863.  
 George H. McKinney, regimental quartermaster.  
 James B. Sparks, surgeon; resigned Jan. 21, 1863.  
 William K. Sadler, surgeon; killed Dec. 2, 1864, at Baton Rouge, Louisiana.  
 Pleasant W. Logan, assistant surgeon; resigned July 15, 1862.  
 James F. Peyton, assistant surgeon; promoted to assistant surgeon Nov. 20, 1862.

Anthony H. Semlire, assistant surgeon; resigned June 30, 1864.  
William N. Forbes, assistant surgeon; resigned July 19, 1864.  
James Matthews, chaplain; resigned Aug. 25, 1864.

## INFANTRY—TWENTIETH REGIMENT

Sanders D. Bruce, colonel; resigned June 24, 1864.  
Charles S. Hanson, lieutenant-colonel; transferred to Thirty-seventh Kentucky Mounted Infantry as colonel Dec. 31, 1863.  
Thomas B. Waller, lieutenant-colonel; commissioned colonel Oct. 5, 1864, but never mustered as such.  
Benjamin F. Buckner, major; resigned April 17, 1863.  
Frank E. Wolcott, major; commissioned lieutenant-colonel Oct. 14, 1864, but never mustered as such.  
John Brennan, adjutant; transferred to Third Kentucky Infantry as captain Company F Sept. 29, 1862.  
James A. McCampbell, adjutant; promoted to adjutant Sept. 29, 1862.  
James W. Swing, adjutant; promoted to adjutant Oct. 13, 1864.  
Alonzo Jackson, quartermaster; died Jan. 15, 1863, at Claysville, Kentucky.  
Abner Crane, quartermaster; promoted to quartermaster Oct. 10, 1863.  
John C. Welch, surgeon.  
W. H. Curran, assistant surgeon; resigned Aug. 2, 1862.  
Prior N. Norton, assistant surgeon; promoted from hospital steward to assistant surgeon Aug. 2, 1862.  
Daniel W. Axline, chaplain; resigned Nov. 6, 1862.

## INFANTRY—TWENTY-FIRST REGIMENT

Ethelbert L. Dudley, colonel; died February 20, 1862.  
Saml. W. Price, colonel; transferred to Twenty-first Kentucky Veteran Infantry; wounded at Kenesaw Mountain.  
Basil A. Wheat, lieutenant-colonel; resigned Oct. 26, 1862.  
James C. Evans, lieutenant-colonel; promoted from major to lieutenant-colonel Oct. 27, 1862.  
Wm. W. Dowden, major; wounded at Stone River Jan. 1, 1863; resigned April 19, 1863.  
Jesse E. Hoskins, major; promoted from captain Company G to major April 20, 1863.  
M. Scott Dudley, adjutant; resigned May 16, 1863.  
Chas. F. Spillman, adjutant; promoted from private of Company E to adjutant June 14, 1863.  
John T. Gunn, adjutant; promoted from 1st lieutenant Company E to adjutant Feb. 28, 1864.  
Albert H. Bohannon, adjutant; promoted adjutant Nov. 21, 1864; transferred to Twenty-first Kentucky Veteran Infantry.  
Samuel P. Taylor, regimental quartermaster; resigned Nov. 14, 1862.  
Thomas Iles, regimental quartermaster; promoted regimental quartermaster March 1, 1863.  
Claiborne J. Walton, surgeon.  
Jas. O. Wheat, assistant surgeon; resigned Feb. 12, 1862.  
T. C. Fitzhugh, assistant surgeon; resigned Jan. 8, 1865.  
Wm. L. Morrison, chaplain; resigned March 15, 1862.  
Thos. M. Gunn, chaplain; never mustered.  
M. H. B. Burkett, chaplain; acted as such from Sept. 4, 1863, until July 30, 1864.

## INFANTRY—TWENTY-SECOND REGIMENT

Daniel W. Lindsey, colonel; resigned Oct. 14, 1863.  
 George W. Monroe, colonel; promoted from lieutenant-colonel to colonel Oct. 15, 1863.  
 William J. Worthington, lieutenant-colonel; promoted to lieutenant-colonel Oct. 15, 1863.  
 Wesley Cook, major; resigned Oct. 20, 1862.  
 John Hughes, major; promoted to major Oct. 15, 1863.  
 Orlando Brown, Jr., adjutant; promoted to major Fourteenth Kentucky Volunteer Infantry April 15, 1862.  
 Joseph W. Roberts, adjutant; promoted adjutant April 15, 1862.  
 Francis C. Robb, adjutant; promoted to adjutant June 21, 1863.  
 E. F. Dulin, quartermaster; resigned Jan. 10, 1862.  
 John Paul Jones, quartermaster; resigned June 5, 1862.  
 James F. Tureman, quartermaster; resigned March 24, 1863.  
 Shadrack L. Mitchell, quartermaster; promoted to quartermaster March 25, 1863.  
 James W. Barbee, quartermaster; promoted to quartermaster Dec. 14, 1863.  
 Benj. F. Stevenson, surgeon; resigned Feb. 16, 1864.  
 Henry Manfred, surgeon; promoted to surgeon Feb. 16, 1864.  
 William R. Davidson, assistant surgeon; transferred to Seventh Kentucky Veteran Volunteer Infantry.  
 Samuel S. Sumner, chaplain; resigned March 15, 1864.

## INFANTRY—TWENTY-THIRD REGIMENT

Marcellus Mundy, colonel; resigned Dec. 31, 1863.  
 John P. Jackson, lieutenant-colonel; resigned Nov. 24, 1862.  
 James C. Foy, lieutenant-colonel; promoted to lieutenant-colonel April 18, 1863.  
 Geo. W. Northup, lieutenant-colonel; promoted to lieutenant-colonel July 27, 1864.  
 Thomas H. Hamrick, major; resigned Feb. 26, 1863.  
 William Boden, major; promoted to major Aug. 8, 1864.  
 Wm. H. Mundy, adjutant; resigned Jan. 17, 1864.  
 Jephson P. Puke, adjutant; promoted adjutant from first lieutenant, Company K.  
 Wm. N. Air, regimental quartermaster; dismissed from service June 20, 1862.  
 Leroy R. Hawthorn, regimental quartermaster; promoted regimental quartermaster June 20, 1862.  
 Alvin Tarvin, regimental quartermaster; promoted to regimental quartermaster July 28, 1864.  
 Arnold Strothotte, surgeon; resigned Nov. 28, 1862.  
 Alonzo M. Morrison, surgeon; promoted to surgeon Nov. 28, 1862.  
 Benj. F. Stevenson, assistant surgeon; promoted surgeon of Twenty-second Kentucky Infantry Jan. 10, 1862.  
 Wm. L. Hashbrook, assistant surgeon; promoted to assistant surgeon November 28, 1862.  
 Wm. H. Black, chaplain; transferred to Twenty-third Kentucky Veteran Infantry.

## INFANTRY—TWENTY-FOURTH REGIMENT

Lewis B. Grigsby, colonel; resigned July 16, 1863.  
 John S. Hurt, colonel; promoted colonel July 17, 1863.  
 Lafayette North, lieutenant colonel; promoted lieutenant-colonel October 24, 1863.

William H. Smith, major; resigned March 4, 1863.  
James H. Turner, adjutant; resigned Aug. 30, 1862.  
John A. Joyce, adjutant; discharged on account of wounds received in action June 27, 1864.  
Cornelius E. Mastin, adjutant; promoted to adjutant Nov. 4, 1864.  
David S. Trumbo, quartermaster.  
James Sympson, surgeon.  
William L. White, assistant surgeon; resigned March 27, 1862.  
Marcus E. Poynter, assistant surgeon; resigned Jan. 1, 1863.  
W. H. T. Moss, assistant surgeon.  
Joseph Gardner, assistant surgeon; wounded in action Aug. 5, 1864.

## INFANTRY—TWENTY-FIFTH REGIMENT

The Twenty-fifth Kentucky Infantry was consolidated with the Seventeenth Kentucky Infantry April 13, 1862.

## INFANTRY—TWENTY-SIXTH REGIMENT

Stephen G. Burbridge, colonel; promoted brigadier-general June 12, 1862.  
Cicero Maxwell, colonel; promoted to colonel June 12, 1862.  
Thos. B. Fairleigh, colonel; promoted to colonel Jan. 3, 1865.  
James F. Lauck, lieutenant-colonel; was lieutenant-colonel of Thirty-third Kentucky Infantry.  
John L. Davidson, major; killed in action at Shiloh, Tennessee, April 10, 1862.  
Jos. L. Frost, major; promoted from adjutant to major April 10, 1862.  
Ignatius Mattingly, major; promoted from captain Company C to major June 12, 1862.  
Cyrus J. Wilson, major; resigned May 14, 1864.  
Francis M. Page, major; promoted from captain of Company E to major Nov. 15, 1864.  
A. J. Wells, adjutant; promoted to adjutant April 10, 1862.  
James A. Dawson, adjutant; was adjutant of Thirty-third Kentucky Infantry.  
Richard Vance, adjutant; promoted adjutant Jan. 1, 1863.  
John H. Morton, regimental quartermaster; discharged April 1, 1864, by reason of consolidation of Thirty-third with Twenty-sixth Kentucky Infantry.  
Robert W. Compton, regimental quartermaster; was regimental quartermaster of Thirty-third Kentucky Infantry.  
Densil P. Walling, regimental quartermaster; was adjutant of Thirty-third Kentucky Infantry from May 4, 1863, to consolidation.  
Jonathan Baily, surgeon; resigned April 10, 1862.  
James M. Baily, surgeon; promoted from assistant surgeon to surgeon April 10, 1862.  
L. Bennett, assistant surgeon; promoted to surgeon of Eighth Kentucky Cavalry June 10, 1863.  
James Walshe, assistant surgeon; discharged April 1, 1864, by reason of consolidation.  
E. O. Brown, assistant surgeon; honorably discharged May 10, 1865, per order of War Department.  
W. H. Jett, assistant surgeon; was assistant surgeon of Thirty-third Kentucky Infantry prior to consolidation.  
Wm. M. Grubbs, chaplain.

## INFANTRY—TWENTY-SEVENTH REGIMENT

Charles D. Pennebaker, colonel; resigned April 10, 1864.  
John H. Ward, lieutenant-colonel; commissioned colonel April 14, 1864, but never mustered as such.

James Carlile, major; died Feb. 25, 1862.  
 Samuel J. Coyne, major; promoted major April 15, 1862.  
 Alexander Magruder, major; promoted from adjutant to major Feb. 6, 1863.  
 Daniel B. Waggener, adjutant; promoted to adjutant Jan. 21, 1862; resigned May 1, 1862.  
 James B. Speed, adjutant.  
 Thomas R. McBeath, quartermaster; promoted to regimental quartermaster Jan. 21, 1862.  
 Robert L. Heston, surgeon.  
 Thomas Sanders, assistant surgeon; resigned March 29, 1863.  
 Robert Dinwiddie, assistant surgeon.  
 Robert G. Gardner, chaplain.

#### INFANTRY—TWENTY-EIGHTH REGIMENT

William P. Boone, colonel; resigned June 28, 1864.  
 J. Rowan Boone, lieutenant-colonel; promoted to lieutenant-colonel Dec. 18, 1863.  
 Absalom Y. Johnson, major; commissioned lieutenant-colonel, to take rank from Nov. 6, 1861.  
 John Gault, Jr., major; resigned March 30, 1864.  
 George W. Barth, major; promoted from captain Company C, to major March 30, 1864.  
 Edward Winkler, adjutant; was first lieutenant Company B; promoted adjutant Dec. 18, 1863.  
 Theodore B. Hays, regimental quartermaster; promoted to captain Company C April 30, 1864.  
 Albert M. Healy, regimental quartermaster; transferred to field and staff as regimental quartermaster.  
 Alfred W. Hynes, surgeon; resigned October 28, 1864.  
 James A. Post, surgeon; promoted from assistant surgeon to surgeon Dec. 22, 1864.  
 Joseph Habermehl, assistant surgeon; resigned November 23, 1862.  
 William V. Marquis, assistant surgeon; resigned September 17, 1864.  
 Charles H. Stocking, assistant surgeon; transferred to Twenty-eighth Kentucky Veteran Infantry.  
 Hiram A. Hunter, chaplain; resigned March 1, 1864.

#### INFANTRY—TWENTY-NINTH REGIMENT

The Twenty-ninth Regiment Kentucky Volunteer Infantry was consolidated with the Sixth Kentucky Cavalry and other regiments.

#### INFANTRY—THIRTIETH REGIMENT

Francis N. Alexander, colonel; promoted colonel Thirtieth Kentucky Infantry, April 19, 1864.  
 Wm. B. Craddock, lieutenant-colonel; promoted to lieutenant-colonel March 31, 1864.  
 Thomas Mahoney, major; wounded in action at Cynthiana, Kentucky, June 10, 1864.  
 Thomas J. Hardin, adjutant; detailed as A. A. Ins. Gen. of Fourth Brigade, First Division Military Department of Kentucky, April 28, 1864.  
 George T. Finnell, regimental quartermaster; detailed as brigade quartermaster of Second Brigade, First Division, Military Department of Kentucky, November 5, 1864.  
 Wm. H. Gardner, surgeon; captured at Saltville, Virginia, October 3, 1864.  
 Columbus A. Cox, assistant surgeon.

## INFANTRY—THIRTY-FIRST REGIMENT

The organization of this regiment was abandoned.

## INFANTRY—THIRTY-SECOND REGIMENT

Thos. A. Morrow, lieutenant-colonel.  
John A. Morrison, major.  
Wm. J. Hume, adjutant.  
R. H. Kinney, adjutant.  
J. C. Sayers, regimental quartermaster.  
Wm. Woodcock, regimental quartermaster.  
John Carnes, regimental quartermaster.  
John J. Matthews, surgeon.  
Wm. F. Scott, surgeon.  
Benj. F. Davidson, assistant surgeon.

## INFANTRY—THIRTY-THIRD REGIMENT

The Thirty-third Kentucky Infantry was consolidated with the Twenty-sixth Infantry.

## INFANTRY—THIRTY-FOURTH REGIMENT

Henry Dent, colonel; was lieutenant-colonel from Sept. 23, 1861, to Oct. 2, 1862; then colonel.  
Selby Harney, colonel; was major from March 10, 1862, to February 6, 1863; then lieutenant-colonel to June 2, 1863; then colonel.  
William Y. Dillard, colonel; was major to June 2, 1863; then lieutenant-colonel to Dec. 24, 1863; then colonel.  
Lewis H. Ferrell, lieutenant-colonel; was captain of Company D to Oct. 2, 1862; then lieutenant-colonel.  
Milton T. Callahan, major; was captain of Company I to June 2, 1863; then major.  
Joseph B. Watkins, major; was captain of Company F to January 4, 1865; then major.  
Charles A. Gruber, adjutant; promoted to captain of Company A Feb. 7, 1863.  
Edward G. Parmele, adjutant; dismissed April 4, 1865.  
David A. Harvey, regimental quartermaster; resigned Oct. 23, 1863.  
Christopher B. Tharp, regimental quartermaster; was private to November, 1862; then regimental quartermaster sergeant to Dec. 1, 1863; then regimental quartermaster.  
George W. Ronald, surgeon; resigned April 12, 1863.  
Henry Tammadge, surgeon; was assistant surgeon from Nov. 12, 1862, to April 13, 1863; then surgeon.  
Hugh Ryan, assistant surgeon; commissioned surgeon April 13, 1863, but declined accepting.  
Joseph Foreman, assistant surgeon.

## INFANTRY—THIRTY-FIFTH REGIMENT

Edmund A. Starling, colonel.  
Edward R. Weir, Jr., lieutenant-colonel.  
Frank H. Bristow, major.  
Theodore W. Wing, adjutant.  
Finnis H. Little, quartermaster.  
Albert D. Cosby, surgeon.  
William B. Stage, assistant surgeon.  
Benjamin Letcher, assistant surgeon.  
William O. Smith, chaplain.



## INFANTRY—THIRTY-SIXTH REGIMENT

The Thirty-sixth Regiment Kentucky Volunteer Infantry was consolidated with the Eleventh and Fourteenth Kentucky Cavalry.

## INFANTRY—THIRTY-SEVENTH REGIMENT

Charles S. Hanson, colonel.  
Benj. Spaulding, lieutenant-colonel.  
Samuel Martin, major.  
Caswell B. Watts, adjutant.  
William O. Watts, regimental quartermaster.  
James M. Mattingly, regimental quartermaster.  
James R. Duncan, surgeon.  
Richard W. Hazelwood, assistant surgeon.  
Ira Henderson, chaplain.

## INFANTRY—THIRTY-EIGHTH REGIMENT

The Thirty-eighth Regiment of Kentucky Volunteer Infantry was consolidated with the Twelfth Kentucky Cavalry.

## INFANTRY—THIRTY-NINTH REGIMENT

John Dills, Jr., colonel.  
David A. Mims, colonel.  
Stephen M. Ferguson, lieutenant-colonel.  
John B. Auxier, major.  
Martin Thornbury, major.  
Levi J. Hampton, adjutant.  
John F. Stewart, adjutant.  
Robert S. Huey, adjutant.  
Martin Fulkerson, quartermaster.  
Lindsey Layne, quartermaster.  
James H. Hereford, surgeon.  
Wm. E. Phillips, surgeon.  
James N. Draper, assistant surgeon.  
James H. Phillips, assistant surgeon.  
Marcus L. King, chaplain.

## INFANTRY—FORTIETH REGIMENT

Clinton J. True, colonel.  
Mathew Mullins, lieutenant-colonel.  
Thomas H. Mannen, major.  
Fred'k H. Bierbower, major.  
Edward C. Barlow, adjutant.  
James B. True, adjutant.  
A. L. Burke, quartermaster.  
John C. Ball, quartermaster.  
George W. Littlejohn, quartermaster.  
Joseph G. Roberts, surgeon.  
William B. Bland, surgeon.  
James H. Phillips, assistant surgeon.  
Oscar E. Holloway, assistant surgeon.  
James A. Snead, chaplain.

## INFANTRY—FORTY-FIRST REGIMENT

This regiment was called into service for thirty days at Covington, Kentucky, during Bragg's invasion of the state, and was disbanded at the expiration of its term of service.

## INFANTRY—FORTY-SECOND REGIMENT

This regiment was called into service for thirty days at Newport, Kentucky, during the invasion of the state by Bragg, and was disbanded at the expiration of its term of service.

## INFANTRY—FORTY-THIRD REGIMENT

This regiment was consolidated with the Thirty-second Kentucky Infantry.

## INFANTRY—FORTY-FOURTH REGIMENT

The organization of this regiment was abandoned.

## INFANTRY—FORTY-FIFTH REGIMENT

John Mason Brown, colonel.  
Lewis M. Clark, lieutenant-colonel.  
Nathan A. Brown, major.  
John C. Henderson, major.  
James Seaton, adjutant.  
John C. Ball, quartermaster.  
Harman Conley, quartermaster.  
Samuel Maguire, surgeon.  
William E. Scobey, assistant surgeon.  
Joseph L. Rowland, assistant surgeon.  
Elisha Thacker, chaplain.

## INFANTRY—FORTY-SIXTH REGIMENT

The organization of this regiment was abandoned.

## INFANTRY—FORTY-SEVENTH REGIMENT

Andrew H. Clark, colonel.  
Alfred C. Wilson, lieutenant-colonel.  
Thos. H. Barnes, major.  
George A. Hanaford, adjutant.  
Peter D. Scholl, quartermaster.  
John M. Daniel, surgeon.  
Wilson H. Glass, assistant surgeon.  
Geo. Sumner, assistant surgeon.  
Mordecai J. W. Ambrose, chaplain.

## INFANTRY—FORTY-EIGHTH REGIMENT

Hartwell T. Burge, colonel.  
William W. Hester, lieutenant-colonel.  
William H. Hoyt, major.  
John W. Lockhead, adjutant.  
William Shuler, adjutant.  
James M. Courtney, quartermaster.  
William Randolph, surgeon.  
R. R. Bush, assistant surgeon.  
John D. Mott, assistant surgeon.  
John W. Ricks, chaplain.

## INFANTRY—FORTY-NINTH REGIMENT

John G. Eve, colonel.  
Philos Stratton, lieutenant-colonel.

James H. Davidson, major.  
James H. Tinsley, adjutant.  
George Smith, quartermaster.  
Walter M. Prentice, surgeon.  
Henry C. Miller, surgeon.  
William B. Swisher, assistant surgeon.  
Hugh M. Hogan, assistant surgeon.  
Ebenezer Ingram, chaplain.

#### INFANTRY—FIFTIETH REGIMENT

The recruits for this regiment were transferred to the Forty-ninth Kentucky Volunteer Infantry, and formed Company K of that regiment.

#### INFANTRY—FIFTY-FIRST REGIMENT

The recruits for this regiment were transferred to and constituted Company H of the Thirty-seventh Kentucky Volunteer Infantry.

#### INFANTRY—FIFTY-SECOND REGIMENT

John H. Grider, colonel.  
Samuel F. Johnson, lieutenant-colonel.  
John B. Tyler, major.  
Wm. H. Murrell, adjutant.  
Wm. H. Johnson, quartermaster.  
James H. Lile, quartermaster.  
George W. Wyer, surgeon.  
Robert D. Hawthorn, assistant surgeon.  
Henry H. Alter, assistant surgeon.  
George Mitchell, chaplain.

#### INFANTRY—FIFTY-THIRD REGIMENT

Clinton J. True, colonel.  
W. C. Johnson, lieutenant-colonel.  
James G. Francis, major.  
Frank D. Tunis, adjutant.  
S. J. Housh, quartermaster.  
William B. Bland, surgeon.  
Henry C. Miller, assistant surgeon.  
James M. Montmolin, assistant surgeon.

#### INFANTRY—FIFTY-FOURTH REGIMENT

Harvey M. Buckley, colonel.  
John G. Rogers, lieutenant-colonel.  
John D. Russell, major.  
Edward Mitchell, adjutant.  
Thomas J. Owens, quartermaster.  
Lewis B. Brasher, quartermaster.  
Frederick C. Leber, surgeon.  
James H. McMahon, assistant surgeon.  
Thomas B. Hunt, assistant surgeon.

#### INFANTRY—FIFTY-FIFTH REGIMENT

Weden O'Neal, colonel.  
Tho. J. Williams, lieutenant-colonel.  
Silas Howe, major.  
John E. Calvert, adjutant.

Robert C. Snead, adjutant.  
Geo. L. Huey, quartermaster.  
Benj. F. Slaughter, surgeon.  
E. R. Palmer, assistant surgeon.  
John R. Reasoner, chaplain.

## PATTERSON'S COMPANY OF MECHANICS AND ENGINEERS

William F. Patterson, captain; Andrew Patterson, second lieutenant.  
Patterson's Company of Mechanics and Engineers was organized at Somerset, Kentucky, under Capt. W. F. Patterson, and mustered into the United States service by Charles S. Medary, lieutenant, United States mustering officer.

## CAVALRY—FIRST REGIMENT

Frank Wolford, colonel; entered service at organization.  
Silas Adams, colonel; promoted colonel June 16, 1864.  
John W. Letcher, lieutenant-colonel; resigned Nov. 28, 1862.  
Francis N. Helveti, lieutenant-colonel; promoted lieutenant-colonel June 16, 1864.  
John A. Brents, major; resigned July 2, 1862.  
William A. Coffee, major; resigned October, 1863.  
William N. Owens, major; promoted major July 31, 1862.  
Thomas Rowland, major; wounded at Dutton Hill, Kentucky.  
Alverson T. Keen, major; promoted major July 16, 1864.  
Fountain T. Fox, major; promoted to major June 27, 1864.  
George W. Drye, major; wounded at Rockford, Tennessee, Nov. 14, 1862.  
Francis M. Wolford, adjutant; promoted captain Company A Nov. 14.  
William D. Carpenter, adjutant; wounded in siege of Knoxville, Tennessee.  
Matthew H. Blackford, regimental quartermaster.  
Elijah Cox, regimental commissary subsistence; promoted regimental commissary subsistence June 3, 1863.  
John A. Brady, surgeon; resigned Dec. 26, 1862.  
Hawkins Brown, surgeon; promoted surgeon Dec. 26, 1862.  
James C. Riffe, assistant surgeon; resigned June 11, 1862.  
Andrew A. Campbell, assistant surgeon.  
Albert G. Huffman, assistant surgeon; resigned June 9, 1864.  
Wm. H. Honnell, chaplain.

## CAVALRY—SECOND REGIMENT

Buckner Board, colonel; resigned Dec. 25, 1862.  
Thomas P. Nicholas, colonel; promoted colonel Dec. 26, 1862.  
Thos. B. Cochoran, lieutenant-colonel; resigned Nov. 24, 1862.  
Elijah S. Watts, lieutenant-colonel; promoted to lieutenant-colonel Nov. 25, 1862.  
W. H. Eifort, lieutenant-colonel; promoted lieutenant-colonel June 22, 1864; killed in action.  
Owen Starr, lieutenant-colonel; promoted to lieutenant-colonel Oct. 18, 1864.  
Henry E. Collins, major; promoted major Dec. 26, 1862; resigned June 2, 1864.  
Jesse J. Craddock, major; promoted major Nov. 25, 1862; resigned Jan. 26, 1864.  
Joseph T. Foreman, major; promoted to major May 1, 1865.  
R. M. Gilmore, major; promoted major May 12, 1865.  
Wm. H. Lower, major; promoted to major July 10, 1865.

John M. Hewitt, adjutant.  
 Geo. W. Griffith, adjutant; promoted captain Company A, April 30, 1864.  
 Garrard S. Morgan, adjutant.  
 Elias Thomasson, regimental quartermaster.  
 William G. Rogers, regimental quartermaster.  
 Edward B. Ayres, regimental commissary; resigned Dec. 29, 1864.  
 John F. Finley, surgeon.  
 David J. Griffith, assistant surgeon; resigned Feb. 6, 1862.  
 Robert Stewart, assistant surgeon; resigned June 18, 1863.  
 J. H. Layman, assistant surgeon.  
 George J. Reed, chaplain; resigned Oct. 17, 1862.

## CAVALRY—THIRD REGIMENT

James S. Jackson, colonel; promoted brigadier-general of volunteers Aug. 13, 1862.  
 Eli H. Murray, colonel; commissioned and entered service as major Nov. 26, 1861; promoted colonel Aug. 13, 1862.  
 Alvin C. Gillen, lieutenant-colonel; promoted colonel of ——— Regiment, Tennessee Volunteers.  
 James M. Holmes, lieutenant-colonel; promoted to lieutenant-colonel Aug. 13, 1862; resigned May 27, 1863.  
 Robert H. King, lieutenant-colonel; promoted to lieutenant-colonel May 27, 1863.  
 Green Clay, major; resigned Jan. 11, 1862.  
 W. S. D. Megowan, major; resigned Dec. 17, 1862.  
 Aaron C. Shacklett, major; promoted major Aug. 13, 1862.  
 Lewis H. Wolfley, major; promoted major Dec. 18, 1862.  
 Geo. F. White, major; promoted major April 13, 1863.  
 John W. Breathitt, major; promoted major May 27, 1863.  
 Zachary L. Taylor, adjutant; resigned April 16, 1862.  
 Jesse S. Gray, adjutant.  
 John Feland, regimental quartermaster.  
 A. J. Gillett, regimental quartermaster; promoted from second lieutenant, Company G, June 20, 1862.  
 Jos. F. Anderson, regimental commissary; promoted from commissary sergeant March 8, 1864.  
 Wm. Singleton, surgeon; resigned June 16, 1862.  
 Robert M. Fairleigh, surgeon; promoted from assistant surgeon, June 19, 1862.  
 Robert B. McNairy, assistant surgeon; promoted from hospital steward April 10, 1863.  
 Hartwell T. Burge, chaplain; resigned June 23, 1863.  
 John H. McRae, chaplain.

## CAVALRY—FOURTH REGIMENT

Jesse Bayles, colonel; resigned April 14, 1863.  
 G. Glay Smith, colonel; promoted brigadier-general volunteers, June 11, 1862.  
 Wickliffe Cooper, colonel; promoted colonel April 5, 1863.  
 Jacob Ruckstuhl, lieutenant-colonel; resigned May 8, 1863.  
 Llewellyn Gwynne, lieutenant-colonel; promoted from major Aug. 10, 1863.  
 John F. Gunkel, major; resigned Feb. 3, 1863.  
 Sidney S. Lyon, major; promoted from captain, Company F, Aug. 13, 1863.  
 Moses C. Bayles, adjutant; mustered out April 14, 1862.  
 George K. Speed, adjutant; promoted captain Company G, Nov. 7, 1863.  
 Chas. Kurfiss, regimental quartermaster; mustered out of service.

Chas. H. Swift, regimental quartermaster; transferred to Fourth Kentucky Veteran Cavalry.  
 Saml. L. Adams, surgeon; resigned Sept. 20, 1862.  
 Henry Mallory, surgeon; resigned July 10, 1863.  
 Chas. H. Butler, surgeon; promoted from assistant surgeon Oct. 1, 1863.  
 David P. Middleton, assistant surgeon; resigned April 10, 1862.  
 J. P. Bachman, assistant surgeon; transferred to Fourth Kentucky Veteran Cavalry.  
 Mathew N. Lasley, chaplain; resigned April 9, 1862.

## CAVALRY—FIFTH REGIMENT

David R. Haggard, colonel; mustered out March 24, 1863; on account of disability.  
 Wm. P. Sanders, colonel; died of wounds received in action at Campbell's Station, Tennessee, November 20, 1863.  
 Oliver L. Baldwin, colonel; promoted from major Second Kentucky Infantry; resigned March 24, 1865.  
 Isaac Scott, lieutenant-colonel; resigned March 9, 1863.  
 William T. Hoblitzell, lieutenant-colonel; promoted from captain, Company I, Second Kentucky Cavalry, March 10, 1863.  
 Michael H. Owsley, major; resigned Sept. 5, 1862.  
 Thomas C. Winfrey, major; promoted major December 4, 1861.  
 John Q. Owsley, major; promoted major; resigned Aug. 12, 1863.  
 Christopher T. Cheek, major; promoted from captain Company B.  
 James L. Wharton, major; promoted from captain Company A.  
 Hugh Mulholland, surgeon; resigned April 11, 1863.  
 William Forrester, surgeon; promoted from assistant surgeon April 12, 1863.  
 Marcellus Baugh, chaplain; resigned Dec. 22, 1862.  
 William B. Chrisler, chaplain; transferred to Third Kentucky Cavalry January, 1865.  
 Jacob B. Mitchell, assistant surgeon; promoted surgeon Twelfth Tennessee Cavalry.  
 William T. Owsley, assistant surgeon; mustered out June, 1862.  
 John H. C. Sandridge, adjutant; killed in action March 10, 1865, at Monroe's Cross Roads, North Carolina.  
 William D. Mitchell, adjutant; detached from regiment before muster in.  
 John T. Farris, regimental quartermaster; promoted from sergeant One Hundred and Twenty-fifth Illinois Infantry.  
 James H. McKee, regimental quartermaster; promoted from sergeant Company D.  
 Andrew T. Vincent, regimental quartermaster; promoted from private Company A.  
 Patrick M. Conly, regimental commissary; promoted from sergeant Company A.  
 George E. Willett, regimental commissary.

## CAVALRY—SIXTH REGIMENT

Dennis J. Halisy, colonel; killed in action near Newmarket, Kentucky, Dec. 31, 1862.  
 Lewis D. Watkins, colonel; promoted to brevet brigadier-general June 24, 1864.  
 Reuben Munday, lieutenant-colonel; promoted lieutenant-colonel Dec. 11, 1861.  
 Wm. P. Roper, lieutenant-colonel; promoted major, then lieutenant-colonel.  
 Lewis A. Gratz, major.

Wm. H. Fidler, major; perished on steamer Sultana April 28, 1865, near Memphis, Tennessee.  
 Walter F. Stafford, major; promoted major March 25, 1863.  
 Hugh B. Kelly, adjutant.  
 Jas. R. Meagher, adjutant; promoted from first lieutenant Company K.  
 Geo. W. McMillan, surgeon.  
 Wm. H. Newman, surgeon; honorably discharged May 1, 1863.  
 Levan J. Keeler, surgeon; promoted from assistant surgeon June 13, 1863.  
 John Dryne, surgeon; promoted from captain Company G.  
 Chas. B. Chapman, assistant surgeon.  
 Milton C. Clark, chaplain; discharged on account of wounds received in action July 8, 1864.  
 Geo. Sambrock, regimental quartermaster.  
 Lee R. Yates, regimental commissary; resigned March 1, 1864.

## CAVALRY—SEVENTH REGIMENT

Leonidas Metcalfe, colonel; never mustered into United States service.  
 John K. Faulkner, colonel; was major till Feb. 9, 1863, then lieutenant-colonel April 2, 1863.  
 Thomas T. Vimont, lieutenant-colonel; killed in a quarrel Jan. 16, 1864, at Dandridge, Tennessee.  
 William W. Bradley, lieutenant-colonel; major to Sept. 17, 1864.  
 William O. Smith, major; resigned Feb. 5, 1863.  
 Robert Collier, major; was captain Company H to May 29, 1863; resigned Feb. 21, 1865.  
 Andrew S. Bloom, major.  
 Charles C. McNeeley, major; was captain of Company B to March 11, 1865; not mustered as major.  
 William S. Sharp, surgeon; resigned May 8, 1863.  
 Charles T. Spillman, surgeon; was assistant surgeon to May 9, 1863.  
 Solomon S. Wolff, assistant surgeon; resigned Dec. 14, 1864.  
 Andrew J. Burnam, assistant surgeon.  
 John B. Campbell, adjutant; appointed captain and A. Q. M. April 30, 1864.  
 Felix G. McCrea, adjutant; was quarter-master sergeant to Dec. 11, 1862; promoted to captain Company G Nov. 14, 1864.  
 Detmer P. Watson, adjutant; was sergeant-major to Nov. 14, 1864.  
 John W. Campbell, regimental quartermaster; resigned Feb. 3, 1853.  
 H. O. Newman, regimental quartermaster; resigned Sept. 22, 1864.  
 Arthur B. Masoner, regimental quartermaster; resigned May 25, 1865.  
 Joseph C. Masoner, regimental commissary; promoted from commissary sergeant Feb. 19, 1863.  
 M. J. W. Ambrose, chaplain; resigned Sept. 6, 1863.  
 Coleman W. York, chaplain; resigned Feb. 3, 1865.

## CAVALRY—EIGHTH REGIMENT

Benjamin H. Bristow, colonel; promoted from lieutenant-colonel April 1, 1863.  
 James H. Holloway, lieutenant-colonel; promoted from major May 1, 1863.  
 Joseph M. Kennedy, major.  
 James W. Weatherford, major.  
 Samuel M. Starling, major; promoted from captain Company M June 1, 1863.  
 L. Bennett, surgeon.  
 R. W. Whittington, assistant surgeon.

George F. Penticost, chaplain.  
Edward Campbell, quartermaster.  
E. C. Spiceland, commissary; promoted from second lieutenant Company L June 9, 1863.  
Joel E. Huffman, adjutant.  
William A. Speed, sergeant-major; appointed from Company H August 4, 1862.  
Thomas E. White, quartermaster-sergeant; appointed August 15, 1862.  
Henry D. Belden, commissary-sergeant.  
John Black, steward; appointed from Company A.  
Isaac B. Schoolfield, steward; appointed from Company M Dec. 8, 1862.  
Cyrus W. Faulkland, saddler; appointed from Company E Sept. 13, 1862.  
Paul A. Neff, bugler; appointed bugler Sept. 13, 1862.  
George N. Masks, veterinary surgeon; appointed from Company E May 10, 1863.  
James M. Shackelford (transferred), colonel; promoted brigadier-general Jan. 2, 1863.  
Wm. S. Ross (transferred), surgeon; resigned May 21, 1863.  
John Feland (transferred), quartermaster; resigned March 24, 1863.  
John Belden (transferred), commissary; promoted captain Company M June 9, 1862.  
James Lunathian (transferred), veterinary surgeon; discharged for disability April 13, 1863.

## CAVALRY—NINTH REGIMENT

Richard T. Jacob, colonel.  
John Boyle, lieutenant-colonel.  
John T. Farris, major; resigned Nov. 10, 1862.  
William C. Moreau, major.  
George W. Rue, major.  
James R. Page, major; resigned Feb. 14, 1863.  
John C. Brent, major; promoted from first lieutenant Company B Feb. 15, 1863.  
Uriah W. Oldham, adjutant; promoted to captain Company F Aug. 18, 1862.  
Frank H. Pope, adjutant; resigned May 23, 1863.  
Andrew J. Hyter, adjutant; promoted from sergeant-major June 4, 1863.  
Charles A. Clarke, regimental quartermaster; resigned Aug. 17, 1862.  
W. Rector Gist, regimental quartermaster; promoted from sup. second lieutenant Company K. Aug. 18, 1862.  
Edwin J. Clark, regimental commissary; resigned.  
William A. Craig, regimental commissary; promoted from sup. second lieutenant Company L.  
William Bailey, surgeon.  
William H. Botts, assistant surgeon.  
B. F. Hungerford, chaplain.

## CAVALRY—TENTH REGIMENT

Joshua Tevis, colonel; resigned Nov. 17, 1862.  
Charles J. Walker, colonel; resigned Sept. 1, 1863.  
R. R. Maltby, lieutenant-colonel; commissioned Aug. 22, 1862.  
James L. Foley, major; commissioned Sept. 9, 1862.  
William A. Doniphan, major; resigned March 17, 1863.  
John Mason Brown, major; commissioned Oct. 27, 1862.  
James M. Taylor, major; promoted to major March 18, 1863.  
Ridgely Wilson, adjutant; resigned June 28, 1863.  
John N. Wallingford, adjutant; promoted adjutant June 29, 1863.



George G. Fetter, quartermaster.

John F. Moore, commissary; commissioned Aug. 15, 1862.

Washington Fithian, surgeon; commissioned Aug. 12, 1862.

J. F. Fleming, surgeon; commissioned Sept. 20, 1862.

Samuel Maguire, assistant surgeon.

James P. Hendrick, chaplain; commissioned Sept. 5, 1862.

#### CAVALRY—ELEVENTH REGIMENT

Alexander W. Holeman, colonel; resigned Sept. 26, 1864.

William E. Riley, lieutenant-colonel; resigned July 18, 1863.

Archibald J. Alexander, lieutenant-colonel; resigned June 9, 1864.

Milton Graham, lieutenant-colonel.

William O. Boyle, major; killed in action Dec. 18, 1864, at Marion, Virginia.

Duvall, English, major.

Frederick Slater, major; promoted to major from captain Company E.

L. L. Pinkerton, surgeon; resigned March 22, 1863.

James H. Peyton, surgeon; resigned March 8, 1864.

James F. Peyton, surgeon; promoted surgeon March 9, 1864.

John F. Rodgers, assistant surgeon; discharged to date from appointment.

Thomas W. Hewitt, assistant surgeon.

Wm. P. Pierce, adjutant; discharged Aug. 6, 1864.

Harry Gee, adjutant; promoted from sergeant-major to adjutant June 23, 1864.

Stephen Stone, quartermaster; resigned March 27, 1863.

Wm. M. Simpson, quartermaster; promoted quartermaster June 7, 1863.

Munroe B. Pulliam, commissary; captured at Philadelphia, Tennessee, Oct. 20, 1863.

Louis Bien Kamp, commissary; promoted commissary Jan. 23, 1865.

John Taffe, chaplain.

#### CAVALRY—TWELFTH REGIMENT

Quintus C. Shanks, colonel; commissioned Oct. 11, 1862.

Eugene W. Crittenden, colonel; promoted from captain Fourth United States Cavalry.

Alexander W. Holeman, lieutenant-colonel; promoted colonel Eleventh Kentucky Cavalry Nov. 2, 1863.

James T. Bramlette, lieutenant-colonel; commissioned Nov. 9, 1863.

Nathaniel L. Lightfoot, major; commissioned Oct. 11, 1862.

Wm. R. Kinney, major; commissioned Oct. 11, 1862.

Ira Hart Stout, major; promoted Oct. 11, 1862.

Julius N. Delfosse, major; killed in action at Philadelphia, Tennessee, Oct. 20, 1863.

James B. Harrison, major; promoted from captain Company B Nov. 17, 1863.

George F. Barnes, major; transferred to Twelfth Kentucky Cavalry.

Garland J. Blewitt, adjutant; was commissioned Aug. 16, 1862.

Zeno B. Freeman, adjutant; resigned Dec. 23, 1863.

William Noland, adjutant; promoted from commissary sergeant.

Thomas E. Tyler, adjutant; promoted from first sergeant July 30, 1865.

James A. Thomas, regimental quartermaster; commissioned Aug. 19, 1862.

John T. Feaman, regimental quartermaster; promoted regimental quartermaster April 11, 1863.

Daniel J. King, regimental quartermaster; promoted regimental quartermaster June 17, 1865.

Charles S. Clary, commissary; commissioned Oct. 11, 1862.

Erasmus O. Brown, surgeon; mustered in to date Sept. 12, 1862.  
Thomas J. Swan, surgeon; resigned May 11, 1865.  
Samuel B. Littlepage, assistant surgeon; hospital steward from August 10, 1862, to Jan. 30, 1863.  
Horace Fletcher, assistant surgeon; commissioned Oct. 25, 1862.  
A. T. Bennett, assistant surgeon; commissioned March 6, 1865.  
John Pell, chaplain; commissioned Oct. 11, 1862.

## CAVALRY—THIRTEENTH REGIMENT

James W. Weatherford, colonel; promoted from lieutenant-colonel Dec. 23, 1863.  
John A. Morrison, lieutenant-colonel.  
Harrison M. Hurt, major; promoted from captain Company E Dec. 23, 1863.  
Ferdinand D. Rigney, major.  
George W. Sweeney, major; on duty as major from Oct. 28, 1863.  
Daniel S. Parker, adjutant.  
Fielding P. Bland, regimental quartermaster.  
George F. Cunningham, commissary; cashiered by order No. 90, Department of the Ohio, dated Oct. 28, 1864.  
Lafayette Bennett, surgeon.  
Wm. D. Stone, assistant surgeon; absent, sick, since Dec. 1, 1864.  
Joseph S. Harper, assistant surgeon.  
Robert F. Mills, chaplain.

## CAVALRY—FOURTEENTH REGIMENT

Henry C. Lilly, colonel; promoted from private Company B Feb. 13, 1863.  
Andrew Herd, lieutenant-colonel; promoted from captain Company E Feb. 20, 1863.  
Joseph W. Stivers, major; promoted from second lieutenant to major Aug. 21, 1862.  
Alfred Smith, major.  
John C. Eversole, major.  
R. T. Williams, major.  
Frank B. Tucker, adjutant; resigned Aug. 28, 1862.  
John H. Massie, adjutant; resigned April 23, 1863.  
Tho. C. Reed, adjutant; was commissary to Aug. 24, 1863.  
Alex M. Barnes, regimental quartermaster; resigned Aug. 28, 1862.  
Lewis M. Ricketts, regimental quartermaster.  
Saml. W. Hatten, commissary; promoted from sergeant-major Oct. 2, 1863.  
Washington Fithian, surgeon; resigned March 21, 1863.  
James P. Turner, surgeon.  
James W. Hensley, assistant surgeon.  
Mathew G. Jones, assistant surgeon.  
Wm. F. Cole, sergeant-major; promoted from sergeant Company E Sept. 1, 1863.  
A. C. Lanehart, quartermaster sergeant; promoted from sergeant Company F Jan. 1, 1864.  
Hezekiah Creech, commissary sergeant.  
Stephen P. Wallace, saddler sergeant.  
Elias Smith, hospital steward.  
Robert Pendley, hospital steward; promoted from private Company E Jan. 1, 1864.

## CAVALRY—FIFTEENTH REGIMENT

Gabriel Netter, lieutenant-colonel; killed in action at Owensboro, Kentucky, September 19, 1862.  
 Albert P. Henry, lieutenant-colonel; captured June 29, 1863, at Spring Creek, Tennessee.  
 Willia Waller, major.  
 John W. Lockhead, adjutant; promoted adjutant Dec. 16, 1862.  
 Thomas Alexander, regimental quartermaster; promoted regimental quartermaster Dec. 4, 1862.  
 Patrick H. Darby, regimental commissary; promoted sergeant-major May 1, 1863; promoted first lieutenant and regimental commissary June 15, 1863.  
 Selathiel Medaris, assistant surgeon; discharged April 25, 1863.  
 James O. Castilow, quartermaster-sergeant.  
 Eugene Dodd, commissary-sergeant.

## CAVALRY—SIXTEENTH REGIMENT

The Sixteenth Regiment was consolidated with the Twelfth Kentucky Cavalry.

## CAVALRY—SEVENTEENTH REGIMENT

Samuel F. Johnson, colonel.  
 Thomas W. Campbell, lieutenant-colonel.  
 John B. Tyler, major.  
 Nelson C. Lawrence, major.  
 Thomas J. Lovelace, major.  
 David R. Murray, adjutant.  
 Virgil A. Jones, regimental quartermaster.  
 Robert Brodie, regimental quartermaster.  
 Thomas J. Buchanan, regimental commissary.  
 William Randolph, surgeon.  
 Charles F. Hart, surgeon.  
 Joseph T. Harper, assistant surgeon.  
 Robert Y. Thomas, chaplain.

## KENTUCKY LIGHT ARTILLERY

## FIRST LIGHT ARTILLERY—BATTERY A

David C. Stone, captain; dismissed May 4, 1863; disability, removed by the President.  
 Theodore S. Thomasson, captain; promoted captain May 26, 1863, mustered out Nov. 15, 1865.  
 Alphonso W. Roath, first lieutenant; resigned Nov. 29, 1861.  
 John H. Mellen, first lieutenant; honorably discharged for disability Oct. 22, 1864.  
 Robert A. Moffett, first lieutenant; resigned May 2, 1864.  
 John D. Irwin, first lieutenant; resigned March 1, 1865.  
 William H. Sinclair, first lieutenant; dismissed July 3, 1865.  
 John H. Landwehr, first lieutenant; mustered out Nov. 14, 1865.  
 George W. Clark, second lieutenant; resigned Feb. 6, 1862.  
 William R. Irwin, second lieutenant; died in hospital at Nashville, Tenn., Aug. 15, 1864.  
 Frederick R. Sanger, second lieutenant; mustered out Nov. 15, 1865.

## FIRST LIGHT ARTILLERY—BATTERY B

John W. Hewitt, captain; mustered out with battery Nov. 15, 1864.  
 George W. Nell, first lieutenant; mustered out with battery Nov. 15, 1864.

Albion A. Ellsworth, first lieutenant; mustered out with battery Nov. 15, 1864.  
 William H. Spence, second lieutenant; mustered out with battery Nov. 15, 1864.  
 William N. Snail, second lieutenant; mustered out with battery Nov. 15, 1864.  
 Mathew H. Turner, second lieutenant; mustered out with battery Nov. 15, 1864.

## FIRST LIGHT ARTILLERY—BATTERY C

John W. Neville, captain; mustered out with battery Nov. 14, 1864.  
 Charles Bradley, first lieutenant; mustered out with battery Nov. 14, 1864.  
 Hugh S. Rawle, first lieutenant.  
 Richard W. McReynolds, second lieutenant; veteran on detached service.  
 Thomas J. Walters, second lieutenant; mustered out with battery Nov. 14, 1864.

## FIRST LIGHT ARTILLERY—BATTERY E

John J. Hawes, captain; mustered out Jan. 20, 1865.  
 L. E. P. Bush, captain; resigned June 12, 1865.  
 Samuel A. Miller, captain; mustered out with battery Aug. 1, 1865.  
 Frank G. Clark, second lieutenant; mustered out with battery Aug. 1, 1865.

## FIRST ARTILLERY—FIRST INDEPENDENT BATTERY

Daniel W. Glassie, captain; mustered out with battery July 10, 1865.  
 Seth J. Simmonds, captain; cashiered.  
 James W. Kerr, first lieutenant; mustered out July 10, 1865, with battery.  
 George Hattersley, first lieutenant; mustered out March 17, 1865.  
 Robert C. Steele, first lieutenant; discharged for disability Sept. 5, 1864.  
 Arthur Erenburg, first lieutenant; mustered out May 15, 1865; wounded at Antietam.  
 James W. Conine, first lieutenant; promoted colonel Fifth U. S. C. T., Nov. 23, 1863.  
 Leonard Magnos, first lieutenant; dropped from rolls June 6, 1861.  
 Frederick A. Danie, second lieutenant; dismissed Nov. 17, 1862.  
 Hamilton B. White, second lieutenant; promoted captain Tenth Ohio Battery Jan. 10, 1862.  
 Robert Johnson, second lieutenant; mustered out with battery July 10, 1865.

Battery A was organized in July, 1861, at Camp Joe Holt, Indiana, by Capt. David C. Stone, and mustered into the United States service Sept. 27, 1861. After three years of active and distinguished service in the Army of the Cumberland, this battery veteranized at Nashville, Tennessee, in February, 1864. After the defeat of General Hood in December, 1864, the battery was ordered to Texas, where it remained until October, when it returned to Louisville and was mustered out of service Nov. 15, 1865.

Battery B was organized at Camp Dick Robinson, Kentucky, in August, 1861, by Capt. J. W. Hewitt, and was mustered into service Oct. 8, 1861. This battery took an active part in the early engagements in Kentucky and Tennessee, and was distinguished for soldierly bearing and excellent discipline. It was mustered out at Louisville, Kentucky, Nov. 16, 1864, the recruits and veterans being transferred to Battery A.

Battery C was organized for one year's service at Louisville, Kentucky, in September, 1863, by Capt. John W. Neville, and was mustered

into service on the 10th of the same month. After serving one year in the Department of Kentucky, the battery re-enlisted for three years, and was ordered to Arkansas, where it participated in several severe engagements.

Battery E was organized at Louisville, Kentucky, by Capt. John J. Hawes, in September, 1863, and was mustered into the service at Camp Nelson, Kentucky, Oct. 6, 1863. It re-enlisted for three years in February, 1864. The service performed by this battery in Kentucky and East Tennessee was peculiarly arduous, and the gallant behavior of its members won the repeated commendation of superior officers.

The First Independent Battery was organized as Company E, First Kentucky Infantry, and detached as artillery at the instance of General Rosecrans, then commanding in Western Virginia, Oct. 31, 1861. The battery served with distinction in the campaigns in West Virginia, participating in the engagements at Tylus Mountain, Horse Shoe Bend, Cotton Mountain and Greeley Bridge, Virginia, Frederick City and Antietam, Maryland, Cloyd Mountain, New River Bridge, Lynchburg and Salem, Virginia. After four years of honorable service, the battery was mustered out July 10, 1865, at Louisville, Kentucky.

### CONFEDERATE STATES ARMY, KENTUCKY

#### GENERAL OFFICERS IN THE CONFEDERATE ARMY APPOINTED FROM KENTUCKY<sup>1</sup>

Jno. C. Breckinridge, brigadier-general, Nov. 2, 1861; major-general, April 11, 1862; acting secretary of war, 1865.  
 Simon B. Buckner, brigadier-general, Sept. 14, 1861; major-general, Aug. 16, 1862; lieutenant-general, Sept. 20, 1864.  
 Abe Buford, brigadier-general, Sept. 2, 1862.  
 George B. Cosby, brigadier-general, Jan. 20, 1863.  
 George B. Crittenden, brigadier-general, March 16, 1861; major-general, Nov. 9, 1861; resigned Oct. 23, 1862.  
 Basil W. Duke, brigadier-general, Sept. 15, 1864.  
 Charles W. Field, brigadier-general, May 9, 1862; major-general, Sept. 12, 1864.  
 Roger W. Hanson, brigadier-general, Dec. 13, 1862.  
 J. M. Hawes, brigadier-general, March 5, 1862.  
 B. H. Helm, brigadier-general, March 14, 1862.  
 George B. Hodge, brigadier-general, Aug. 2, 1864.  
 Joseph H. Lewis, brigadier-general, Sept. 30, 1863.  
 H. B. Lyon, brigadier-general, June 14, 1864.  
 Humphrey Marshall, brigadier-general, Oct. 30, 1861; resigned June 16, 1862; reappointed June 20, 1862; with rank from Oct. 1, 1861.  
 Jno. H. Morgan, brigadier-general, Dec. 11, 1862.  
 William Preston, brigadier-general, April 14, 1862; major-general, Jan. 1, 1865.  
 Gustavus W. Smith, major-general, Sept. 9, 1861; resigned Sept. 11, 1863.  
 Lloyd Tilghman, brigadier-general, Oct. 18, 1861.  
 Jno. S. Williams, brigadier-general, April 16, 1862.

#### LIST OF NAMES OF COMMANDING OFFICERS OF THE FIRST KENTUCKY BRIGADE IN THE ORDER OF THEIR DATES OF COMMAND

Brig.-Gen. John C. Breckinridge.  
 Brig.-Gen. Roger W. Hanson.  
 Col. R. P. Trabue.  
 Brig.-Gen. Marcus J. Wright.  
 Brig.-Gen. B. H. Helm.  
 Brig.-Gen. Joseph H. Lewis.

<sup>1</sup> From the war office at Washington, D. C.

GENERAL AND STAFF OFFICERS APPOINTED FROM KENTUCKY <sup>2</sup>*Gen. John C. Breckinridge.*—Staff.

- Ament, B. W., medical director, relieved Aug. 29, 1862.  
 Addison, ———, volunteer aid-de-camp, August, 1862.  
 Benham, Calhoun, major, acting inspector-general, Oct. 28, 1862.  
 Breckinridge, J. Cabell, lieutenant, aid-de-camp, Nov. 17, 1861, Sept. 30, Oct. 28, 1862.  
 Buckner, Jno. A., captain, assistant adjutant-general, July 18, 1862, lieutenant-colonel, Oct. 28, 1862.  
 Brown, ———, major, chief commissary subsistence, Oct. 12, 1862.  
 Bradford, J. W., captain, assistant quartermaster, paymaster, June 4, 1863.  
 Bird, ———, captain, volunteer, aid-de-camp, August, 1862.  
 Brewer, ———, lieutenant-colonel, volunteer aid-de-camp, August, 1862.  
 Bertus, Wm. E., lieutenant, Twelfth Louisiana, acting inspector-general, September, 1863.  
 Cobb, Robertson, captain, chief of artillery, ——— Division, Nov. 1, 1863, Nov. 6, 1863, assigned as chief of artillery of corps.  
 Coleman, ———, captain, volunteer aid-de-camp, Jan. 1, 1863.  
 Daragh, Thos. B., lieutenant, volunteer aid-de-camp, Jan. 1, 1863.  
 Ewing, E. H., captain, assistant quartermaster, June 27, 1863.  
 Ershine, Jno. H., surgeon, medical director, March 6, 1862.  
 Evans, Alex., major and chief commissary, ——— 7, 1863.  
 Foote, Henry S., aid-de-camp.  
 Granes, R. E., major, chief of artillery, Oct. 28, 1862.  
 Hawes, Carey N., announced as chief surgeon of division, Sept. 6, 1862.  
 Hawkins, Thomas T., first lieutenant, aid-de-camp, Nov. 17, 1861.  
 Capo, ———, aid-de-camp, captain, assistant adjutant-general, October, 1862, Oct. 28, 1862.  
 Helm, Geo. M., first lieutenant, engineer officer, Aug. 18, 1862.  
 Hamilton, Wm. B., volunteer aid-de-camp, August, 1862.  
 Huestis, Dr. ———, medical inspector, chief surgeon, January, September, 1863.  
 Hope, John, captain, acting inspector-general, Sept. 30, 1862, announced as acting inspector-general of reserve corps, April 25, 1862.  
 Johnson, J. P., assistant adjutant-general, July, 1863.  
 Kratz, Dr. ———, assistant surgeon, September, 1863.  
 Little, George, captain, ordnance officer, May 2, 1863.  
 Legare, J. C., surgeon, medical inspector, March 6, 1862.  
 Morgan, R. C., acting assistant adjutant-general, Jan. 19, 1862.  
 Mastin, Chas. J., captain, acting inspector-general, Feb. 26, 1863, lieutenant-colonel, acting inspector-general, September, 1863.  
 Nocquet, Jas. W., captain, chief of engineers, Sept. 30, 1862.  
 O'Hara, Theodore, colonel, acting assistant adjutant-general, December, 1862, January, 1863.  
 Pickett, Geo. B., captain, engineer officer, March 6, 1862.  
 Pickett, Jno. T., colonel, assistant adjutant-general, ———, 1862.  
 Pinckney, ———, lieutenant-colonel, volunteer aid-de-camp, August, 1862.  
 Pendleton, J. E., Dr., medical director, Sept. 30, 1862, Oct. 29, 1862.  
 Pendleton, John E., volunteer aid-de-camp, Jan. 1, 1863.  
 Robertson, J. S., captain, assistant adjutant-general, Sept. 8, 1862.  
 Richards, A. Keene, aid-de-camp, June 23, 1862.  
 Sullins, ———, major, chief quartermaster, Oct. 12, 1862.  
 Schenck, Isaac, major, acting commissary subsistence, Dec. 13, 1862.  
 Slocum, ———, captain, chief artillery, Nov. 6, 1863.

<sup>2</sup> This list is from the war office at Washington, and was sent to Col. John B. Castleman, adjutant-general of Kentucky, who had it corrected and revised.



CAPT. THOS. H. HINES, AT TWENTY-THREE

Semple, Chas., captain, ordnance officer, Jan. 1, 1863, acting inspector-general, Jan. 24, 1864.  
 Von Zinken, Leon, colonel, Twentieth Louisiana Regiment, acting assistant inspector-general, September, 1863.  
 Triplett, ———, major, chief quartermaster, on march Oct. 12, 1862.  
 Wilson, J. T., acting inspector-general, Oct. 28, 1862, Dec. 31, 1862.  
 Wilson, James, major, assistant adjutant-general, Dec. 11, 1862, Nov. 11, 1863, acting chief of artillery, Sept. 30, 1862, ordnance officer of division, April 21, 1862.  
 Weatherby, surgeon, acting medical director, Sept. 30, 1862.  
 Weeden, acting chief surgeon, Oct. 29, 1863.  
 Young, J. F., surgeon, medical purveyor, March 6, 1862.

*Gen. S. B. Buckner.—Staff:*

Ament, B. W., surgeon, August, 1862.  
 Buckner, D. P., volunteer aid-de-camp, September, 1861, February, 1862.  
 Casly, Geo. B., major, assistant adjutant-general, September, 1861, February, 1862.  
 Clay, T. J., acting aid-de-camp, February, 1862.  
 Cassiday, Alex., captain, assistant inspector-general, September, 1861, major, assistant inspector-general, February, 1862.  
 Chambliss, N. P., lieutenant, ordnance officer, Sept. 18, 1861.  
 Carrington, L. F., aid-de-camp, Nov. 26, 1861.  
 Davidson, ———, major, chief of artillery, February, 1862.  
 Gallagher, J. N., acting aid-de-camp, February, 1862.  
 Hays, S. K., major, assistant quartermaster, February, 1862.  
 Haines, J. M., major, assistant inspector-general, Sept. 18, 1861.  
 Johnston, Chas. F., lieutenant, aid-de-camp, September, 1861, February, 1862.  
 Moore, ———, engineer officer, February, 1862.  
 Nocquet, J., captain, engineer officer, Sept. 18, 1861.  
 Sheliba, Victor, major lieutenant-colonel, chief of staff, June, 1863.  
 Wintersmith, Richard C., major, acting commissary of subsistence, February, 1862.  
 Watts, G. O., lieutenant, acting aid-de-camp, Sept. 18, 1861.

*Brig.-Gen. A. Buford.—Staff:*

Crowder, Thos. M., captain, assistant adjutant-general, October, 1862, May, 1863.  
 Nicholson, Hunter, major, assistant adjutant-general, December, 1862.  
 Given, D. A., first lieutenant, acting aid-de-camp.  
 Myers, D. E., first lieutenant, aid-de-camp, Aug. 1, 1863 (captain Company E, Ninth Kentucky Cavalry), captain, acting inspector-general.  
 Lea, James L., captain, assistant quartermaster, 1862, transferred to staff of Gen. T. H. Bell, February, 1865.  
 Finch, J. R., major, acting commissary of subsistence.  
 Gardner, Jno. D., first lieutenant, ordnance officer, May 20, 1862, transferred from Seventh Kentucky Regiment.  
 Clardy, Thos. F., surgeon (Seventh Kentucky).  
 Cargill, W. M., major, quartermaster.

*Col. Edward Crossland, Commanding Brigade.—Staff:*

Buford's division, Forrest's Cavalry, May, 1864.  
 Randle, C. S., captain, acting assistant adjutant-general (Seventh Kentucky Regiment).  
 Matthewson, J. P., first lieutenant, acting assistant inspector-general.  
 Lindsey, Wm., captain, assistant quartermaster (Seventh Kentucky Regiment), July, 1862.  
 Smith, J. R., major, acting commissary of subsistence, July 22, 1863.  
 Galbraith, Robert A., captain, acting aid-de-camp.



Terry, F. G., captain, acting ordnance officer, Sept. 22, 1862 (Eighth Kentucky Regiment).

*Maj.-Gen. Geo. B. Crittenden.*—Staff:

Brewer, Jas. B., volunteer aid-de-camp, January, 1862, February, 1862.  
 Cunningham, A. S., major, assistant adjutant-general, January, 1862, February, 1862, Dec. 4, 1861.  
 Hillyer, Giles M., major, assistant commissary of subsistence, January, 1862, February, 1862.  
 Porter, W. W., lieutenant, aid-de-camp, January, 1862, February, 1862, captain assistant adjutant-general, April 6-7, 1862.  
 Ramsey, F. A., surgeon, medical director, January, 1862, February, 1862.  
 Thornton, H. I., (J.?), aid-de-camp, Dec. 7, 1862, January, 1862, February, 1862.

*Brig.-Gen. Basil W. Duke.*—Staff:

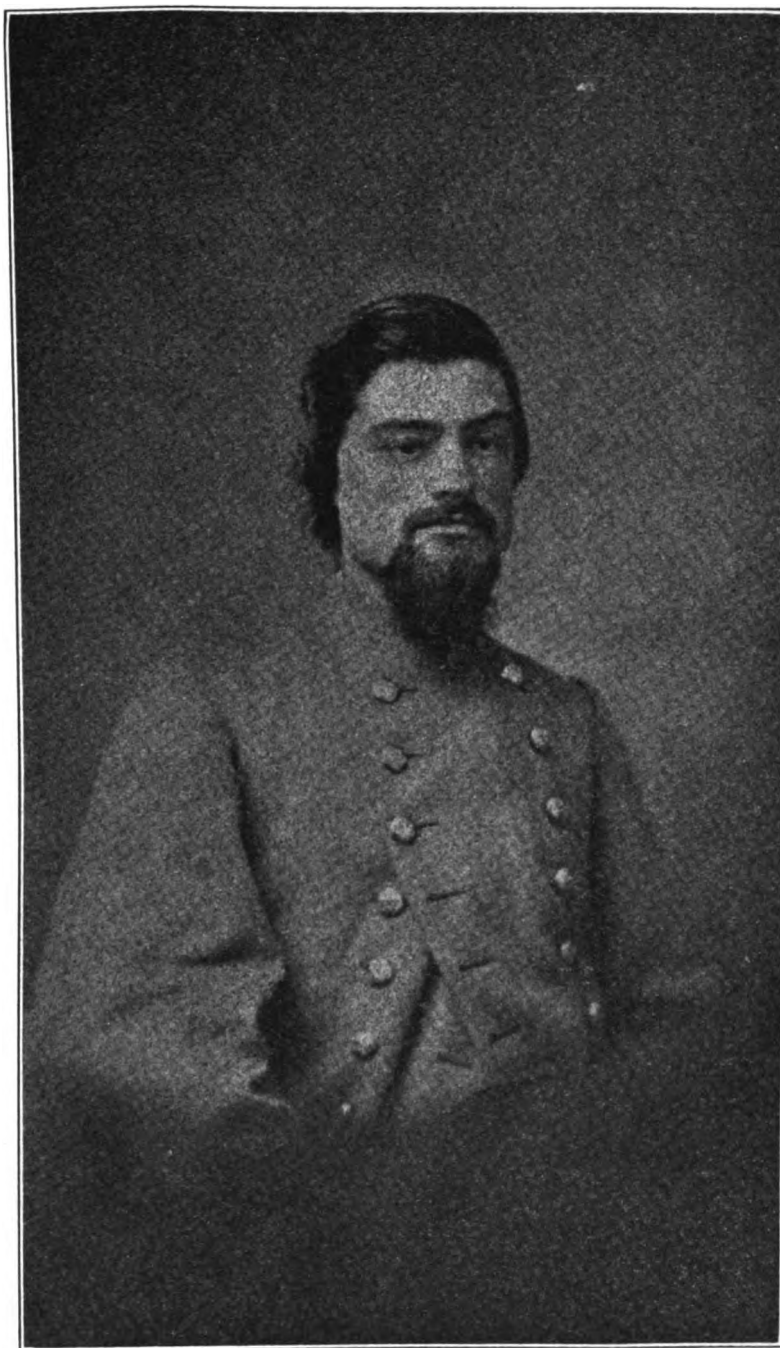
Cameron, ———, captain, chaplain, Sept. 15, 1864, transferred to special service in Canada, November, 1864.  
 Davis, William J., captain, assistant adjutant-general, April, 1863, major, aid-de-camp, December, 1864.  
 Elliott, R. F., major, acting commissary of subsistence, Sept. 15, 1864, previously commissary Morgan's staff.  
 Gassette, C. W., major; acting quartermaster, Sept. 15, 1864, previously acting quartermaster on Morgan's staff.  
 Gwyn, Hugh G., captain, assistant inspector-general, Sept. 15, 1864, major, assistant inspector-general, Dec. 1, 1864, previously adjutant Keeble's Tennessee regiment, infantry.  
 Morgan, Calvin C., first lieutenant, aid-de-camp, Sept. 15, 1864, captain, aid-de-camp, Dec. 1, 1864.  
 Thorpe, P. H., adjutant (?) June, 1862.  
 Williams, Robert, major, brigade-surgeon, Sept. 15, 1864.

*Brig.-Gen. Chas. W. Field.*—Staff:

Corbin, Richard, volunteer aid-de-camp of division, April, 1864.  
 Deshields, H. C., captain quartermaster, April, 1861 (from Fortieth Virginia), major quartermaster of division subsequently.  
 Harrison, George F., captain adjutant-general, April, 1861, assistant adjutant-general, June, July, 1862 (formerly adjutant Ninth Virginia Cavalry), resigned September, 1862.  
 Hudson, medical director of division, January, 1864.  
 Mason, Julien J., mayor, assistant commissary subsistence, April, 1861 (assigned from Ninth Virginia Cavalry private, afterward commissary of division).  
 Jones, Willis F., major, assistant adjutant-general, January, 1864 (killed in battle August, 1864).  
 Mason, W. R., lieutenant, aid-de-camp, June, July, 1862, assigned to conscript bureau July, 1863.  
 Masters, L., captain, assistant inspector-general, April, 1861, assigned from heavy artillery, major, assistant adjutant-general, Nov. 4, 1864, major, inspector-general of division, January, 1864 (April, 1865, killed in battle).  
 Pleasants, James, captain, orderly officer of division.  
 Rabb, R. L., lieutenant, aid-de-camp, first lieutenant, aid-de-camp, January, 1864 (resigned August, 1864).  
 Spence, surgeon, medical director, April, 1861.  
 Stephenson, John, first lieutenant aid-de-camp of division, August, 1864.

*Brig.-Gen. Roger W. Hanson.*—Staff:

Hope, John S., captain, acting assistant adjutant-general, Dec. 4, 1862.  
 Chipley, S. F., acting assistant adjutant-general, Dec. 20, 1862.



GEN. BASIL W. DUKE

Benedict, Joseph, lieutenant Ninth Kentucky, ordered to act as aid-de-camp to Colonel Hanson, commanding First Kentucky Brigade, Nov. 10, 1862.

*Brig.-Gen. J. M. Hawes.—Staff:*

Barbour, E. P., aid-de-camp, acting assistant adjutant-general, April 29, 1862.  
 Dyer, H. R., major, assistant quartermaster.  
 Hawes, S. N., lieutenant, aid-de-camp.  
 Hove, J. A. P., captain, aid-de-camp.  
 Leman, ———, captain, acting commissary subsistence.  
 McClarty, Clinton, major, assistant adjutant-general.  
 Robertson, James M., captain, assistant inspector-general.  
 Sanders, Reid, major, assistant commissary subsistence.  
 Scott, John S., captain, assistant adjutant-general.  
 Walker, A. J., captain, ordnance officer.  
 Marshall, Benjamin T., chief surgeon, April 29, 1862.  
 Lester, H. F., lieutenant (Second Kentucky) ordnance officer, April 29, 1862.  
 Robertson, J. S., assistant adjutant-general, May 14, 1862.

*Brig.-Gen. George B. Hodge.—Staff:*

Bullock, Wallie, first lieutenant, aid-de-camp, April, 1863.  
 Davis, Hugh L., first lieutenant, aid-de-camp, August, 1864.  
 McAfee, John, captain, assistant adjutant-general (Ind. Confederate Battalion).  
 Miller, W., major, quartermaster (from Twenty-seventh Virginia P. Rangers), April, 1862.  
 Ogden, John, captain, aid-de-camp.  
 West, Douglas, major, acting ordnance officer.  
 Hope, John, captain, assistant inspector-general.

*Brig.-Gen. Joseph H. Lewis.—Staff:*

Hewitt, Fayette, captain, assistant adjutant-general, Dec. 2, 1861-64.  
 McKay, Henry Clay, lieutenant, aid-de-camp, October, 1863.  
 John R., major, assistant quartermaster, December, 1863.  
 Phillips, W. S., captain, assistant quartermaster, 1862, major, December, 1863.  
 Holmes, Chas. W., major, assistant commissary subsistence, July, 17, 1863.  
 Payne, Lewis E., lieutenant, ordnance officer, December, 1863.  
 Buchanan, Samuel H., assistant adjutant-general, Sept. 15, 1864, assistant inspector-general, Dec. 20, 1863.  
 Helm, Chas. W., captain and assistant commissary subsistence, June 16, 1864.  
 Vertress, J. S., assistant surgeon, 1863.

*Brig.-Gen. Humphrey Marshall.—Staff:*

Fisher, Thos. H., major, chief quartermaster, May, 1862.  
 Guerrant, Edward O., assistant adjutant-general, Dec. 30, 1862.  
 Jenkins, B. W., captain, January, 1863.  
 Marshall, Chas. E., captain, assistant adjutant-general, April, 1862; resigned December, 1862.

*Col. and Brig.-Gen. Ino. H. Morgan.—Staff:*

Alston, R. A., captain, assistant adjutant-general, June, 1862.  
 Grenfell, St. Leger, colonel, assistant adjutant-general, Aug. 22, 1862.  
 Llewellyn, D. H., captain, assistant quartermaster, Aug. 22, 1862; major, Dec. 9, 1862.

Morgan, Charlton, captain, aid-de-camp, Dec. 9, 1862.  
 Roberts, Green, captain, assistant aid-de-camp, October, 1862.  
 Tyler, Robt., lieutenant, assistant aid-de-camp, Dec. 9, 1862.  
 Williams, R. H., acting aid-de-camp, Dec. 9, 1862.

*Col. R. T. Trabue Commanding Hanson's Brigade*, Dec. 31, 1862, and Jan. 1, 1863.—Staff:

Benedict, Joseph, Dec. 31, 1862, and Jan. 1, 1863.  
 Chipley, S. F., captain, Dec. 31, 1862, and Jan. 1, 1863.  
 Semple, Charles, captain, acting ordnance officer, Dec. 21, 1862, and Jan. 1, 1863.  
 Stake, T. E., lieutenant, assistant inspector-general, Dec. 31, 1862, and Jan. 1, 1863.  
 Trabue, Presley, lieutenant, acting ordnance officer, Dec. 31, 1862, and Jan. 1, 1863.  
 Williams, Robt. H., adjutant Fourth Kentucky, acting assistant adjutant-general, Dec. 31, 1862, and Jan. 1, 1863.  
 Darrah, Thomas B., acting assistant adjutant-general, Oct. 13, 1862.  
 Robertson, J. S., acting assistant adjutant-general, April 20, 1862.  
 Hewitt, J. W., acting assistant adjutant-general, June 16, 1862.  
 Shaw, G. T., captain, acting commissary subsistence, June 16, 1862.

*Brig.-Gen. Jno. S. Williams*.—Staff:

Duke, Basil C., surgeon, September, 1862.  
 Marye, Lawrence, captain, ordnance officer, September, 1862.  
 Morris, John, colonel, volunteer aid-de-camp, September, 1862.  
 Peyton, Wm. M., captain, aid-de-camp, September, 1862.  
 Poor, R. L., captain, chief engineer, department West Virginia, Sept. 20, 1862; temporarily on staff of General Williams.  
 Stanton, Richard, captain, assistant adjutant-general, September, 1862.

#### NAMES OF FIELD OFFICER, KENTUCKY REGIMENTS <sup>3</sup>

First Infantry—Colonel, Thos. H. Taylor; lieutenant-colonels, Wm. Preston Johnston, Ed. Crossland; major, Ed. Crossland.

Second Infantry—Colonels, J. M. Hawes, R. W. Hanson, R. A. Johnston, James W. Moss; lieutenant-colonels, Robert A. Johnston, James W. Hewitt, Phil. Lee; majors, James W. Hewitt, James W. Moss, H. McDowell; adjutant, T. E. Moss.

Third Infantry—Colonels, Lloyd Tilghman, A. B. Thompson; lieutenant-colonels, Benj. Anderson, Alfred M. Johnston; majors, Alfred M. Johnston, J. H. Bowman.

Fourth Infantry—Colonels, Robert P. Trabue, Joseph P. Nuckols, Jr., Thos. W. Thompson; lieutenant-colonels, Andrew R. Hynes, Jno. A. Adair, Jos. P. Nuckols, Thos. W. Thompson; majors, Thos. B. Munroe, Jr., Thos. W. Preston, Thos. W. Thompson, Jno. B. Rogers.

Fifth Infantry—Colonels, Jno. S. Williams, Andrew J. May, H. Hawkins; lieutenant-colonels, Andrew J. May, Hiram Hawkins, Jno. W. Caldwell; majors, J. C. Wickliffe, Jno. W. Caldwell, Geo. W. Conner, William Moynhier.

Sixth Infantry—Colonels, Joseph H. Lewis, Martin H. Cofer; lieutenant-colonel, Martin H. Cofer; majors, Thos. H. Hayes, W. L. Clarke.

Seventh Infantry—Colonels, C. Wickliffe, Ed. Crossland, W. D. Lannom; lieutenant-colonels, W. D. Lannom, H. L. Shorneill; majors, W. J. N. Welborn, H. S. Hale.

Eighth Infantry—Colonel, H. B. Lyon; lieutenant-colonels, H. B. Lyon, A. R. Shacklett; major, R. W. Henry.

<sup>3</sup> From the war office at Washington.

Ninth Infantry—Colonels, T. H. Hunt, J. W. Caldwell; lieutenant-colonels, J. W. Caldwell, J. C. Wickliffe; majors, J. C. Wickliffe, Benj Desha.

Tenth Infantry—Colonels, R. W. Martin, A. R. Johnston; lieutenant-colonel, R. M. Martin; major, W. G. Owen.

Eleventh Infantry—Colonel, B. E. Caudill; major, J. T. Chenowith. First Cavalry—Colonel, J. R. Butler; lieutenant-colonel, Thos. W. Woodward; majors, J. W. Caldwell, N. R. Chambliss, I. L. Chenowith.

Second Cavalry—Colonel, T. G. Woodward; lieutenant-colonels, Thos. G. Woodward, Thos. T. Johnson; majors, T. R. Webber, T. W. Lewis.

Third Cavalry—Colonel, J. R. Butler.

Fourth Cavalry—Colonel, H. L. Giltner; lieutenant-colonel, M. P. Pryor.

Fifth Cavalry—Colonel, D. H. Smith; lieutenant-colonel, Preston Thompson.

Sixth Cavalry—Colonel, J. Warren Grogby; lieutenant-colonel, Thos. W. Napier.

Seventh Cavalry—Colonel, Ed. Crossland; major, Thos. Steele.

Eighth Cavalry—Colonel, R. S. Cluke.

Ninth Cavalry—Colonels, W. C. P. Breckinridge, T. H. Hunt; lieutenant-colonel, R. G. Stoner; major, J. C. Wickliffe.

Tenth Cavalry—Colonels, A. R. Johnston, A. J. May, E. Trimble.

Eleventh Cavalry—Colonel, D. W. Chenault.

Faulkner's Cavalry—Major, T. S. Tate.

First Battalion Volunteers—Major, Thos. H. Hays.

First Battalion Mounted Rifles—Majors, B. F. Bradley, O. G. Camron.

Second Battalion Mounted Rifles—Major, Thomas Johnson.

Third Battalion Mounted Rifles—Major, Jno. B. Halladay.

Morgan's Cavalry—Colonel, Jno. H. Morgan; lieutenant-colonel, J. W. Bowler; majors, G. M. Morgan, J. T. Cassell.

The following roster of Confederate troops exhibits the various organizations with which Kentucky troops served during the years 1863-64:

Brig.-Gen. John S. Williams' Brigade, 1863—First Kentucky Mounted Infantry, Second Kentucky Mounted Infantry, Ninth Kentucky Mounted Infantry, Second Kentucky Battalion Cavalry, Hamilton's Battalion Cavalry, Allison's Squadron Cavalry.

Brig.-Gen. Joseph H. Lewis' Brigade—Second Kentucky Infantry, Fourth Kentucky Infantry, Fifth Kentucky Infantry, Sixth Kentucky Infantry, Ninth Kentucky Infantry.

Brig.-Gen. A. Buford's Cavalry Brigade, Nov. 20, 1863—Eighth Kentucky, Col. H. B. Lyon; Seventh Kentucky, Col. Edward Crossland; Third Kentucky, Col. A. P. Thompson.

With Wharton's Division, Aug. 15, 1863—Second Brigade, Col. Thomas Harrison; First Kentucky Cavalry, Col. J. R. Butler.

Morgan's Division, First Brigade, Cavalry, Col. B. W. Duke—Second Kentucky, Maj. T. B. Webber; Fifth Kentucky, Col. D. H. Smith; Ninth Kentucky, Col. W. C. P. Breckinridge; Sixth Kentucky, Col. J. Warren Grigsby; Ward's Kentucky Regiment, Colonel Ward.

Second Brigade, Cavalry, Col. R. S. Cluke—Eighth Kentucky, Col. R. S. Cluke; Eleventh Kentucky, Col. D. W. Chenault; Tenth Kentucky, Lt.-Col. J. M. Huffman.

Chickamauga, Sept. 19-20, 1863—Breckinridge's Division, Helm's Brigade Infantry: Second Kentucky, Col. J. W. Hewitt and Lieut.-Col. J. W. Moss; Fourth Kentucky, Col. Jos. P. Nuckols, Jr., and Maj. T. W. Thompson; Sixth Kentucky, Col. J. H. Lewis and Lieut.-Col. M. H.

Cofer; Ninth Kentucky, Col. J. W. Caldwell and Lieut.-Col. J. C. Wickliffe; Cobb's Battery, Capt. Robert Cobb.

Missionary Ridge, Nov. 25, 1863—Breckinridge's Division, Lewis' Brigade, Infantry; Second Kentucky Regiment, Lieut.-Col. James W. Moss; Fourth Kentucky Regiment, Maj. T. W. Thompson; Sixth Kentucky Regiment, Lieut.-Col. W. L. Clarke; Ninth Kentucky Regiment, Lieut.-Col. Jno. C. Wickliffe; Fifth Kentucky Regiment, Col. H. Hawkins.

With Wheeler's Cavalry Corps, Oct. 31, 1863—Fourth Division, Brig.-Gen. Kelly; First Kentucky Mounted Infantry, Col. J. R. Butler; Second Kentucky Mounted Infantry; Ninth Kentucky Mounted Infantry.

Second Brigade of Brig.-Gen. Kelly's Division, Wheeler's Cavalry Corps, Nov. 20, 1863—Col. J. Warren Grigsby, commanding: First Kentucky Mounted Infantry Regiment, Col. J. R. Butler; Second Kentucky Mounted Infantry Regiment, Col. Thos. G. Woodnard; Ninth Kentucky Mounted Infantry Regiment; Col. W. C. P. Breckinridge.

Wheeler's Cavalry Corps, Nov. 23, 1863, Kelly's Division, Second Brigade—First (Third) Kentucky Regiment, Col. J. R. Butler; Second Kentucky Regiment, Col. Thos. Woodward; Ninth Kentucky Regiment, Col. W. C. P. Breckinridge.

With Bates' Division, June 30, 1864; Lewis' Brigade Infantry—Second Kentucky Regiment, Col. J. Moss; Fourth Kentucky Regiment, Lieut.-Col. T. W. Thompson; Fifth Kentucky Regiment, Lieut.-Col. H. Hawkins; Sixth Kentucky Regiment, Col. M. H. Cofer; Ninth Kentucky Regiment, Col. J. W. Caldwell.

Wheeler's Cavalry Corps, Army of the Tennessee, June 30, 1864, Brig.-Gen. Jno. S. Williams' Cavalry Brigade—First Kentucky Regiment, Lieut.-Col. J. W. Griffith; Second Kentucky Regiment, Maj. T. W. Lewis; Ninth Kentucky Regiment, Col. W. C. P. Breckinridge; Second Kentucky Battalion, Capt. J. B. Douch; Allison's Squadron, Capt. J. S. Reese; Detachment Hamilton's Battery, Maj. James Shaw.

#### FORREST'S CAVALRY COMMAND, AUGUST 30, 1864

##### BUFORD'S DIVISION

Lyon's Brigade—Third Kentucky Infantry Regiment (mounted), Col. G. A. C. Holt; Seventh Kentucky Infantry Regiment (mounted), Col. Ed. Crossland; Eighth Kentucky Infantry Regiment, Lieut.-Col. A. R. Shacklett; Twelfth Kentucky Infantry Regiment, Col. W. W. Faulkner.

#### FORREST'S COMMAND, MARCH 20, 1864

##### CHALMERS' DIVISION

Third Brigade—Col. A. P. Thompson; Third Kentucky Infantry, Lieut.-Col. G. A. C. Holt; Seventh Kentucky Infantry, Col. Ed. Crossland; Eighth Kentucky Infantry, Lieut.-Col. A. R. Shacklett; Twelfth Kentucky Cavalry, Col. W. W. Faulkner.

Byrnes' Battery—Edward P. Byrne, captain, 1861; Elias D. Lawrence, lieutenant; Thos. Hinds, first lieutenant, Oct. 1861; Jno. Joyes, Jr., lieutenant, 1861; Guignard Scott, second lieutenant; Joseph Bell, second lieutenant; B. P. Shelly, second lieutenant, August, 1861; Frank P. Peak, second lieutenant, B. T. Shelly, second lieutenant, 1861.

Cobb's Battery—Robert Cobb, captain, March, 1862; E. P. Gracey, lieutenant, July, 1861; R. B. Matthews, lieutenant, March, 1862; B. H. Gaines, second lieutenant, July, 1861; A. B. Danes, second lieutenant, October, 1861.

It has not been possible, in compiling the foregoing list, to obtain all the names, or even a satisfactory list of the killed and wounded in the Confederate army, either among commissioned officers or privates, from 1861-65. Records of such statistics are not easily, if at all attainable, and this interesting feature, so far as regards Confederate officers and soldiers, has been reluctantly omitted.

## CHAPTER LXXVI

### ALPHABETICAL LIST OF BATTLES AND SKIRMISHES IN KENTUCKY IN THE CIVIL WAR

[Compiled from *Alphabetical List of Battles, 1754-1900*, by  
Newton A. Strait.]

Albany—Sept. 23, 29, 1861.  
Albany—Aug. 18, 1863.  
Alcorn's Distillery, near Monticello—May 9, 1863.  
Ashbysburg—Sept. 25, 1862.  
Athens—Feb. 23, 1863.  
Augusta—Sept. 27, 1862.  
Bacon Creek, near Munfordville—Dec. 26, 1862.  
Barboursville—Sept. 19, 1861.  
Barboursville—April 27, 1863.  
Barboursville—Feb. 8, 1864.  
Bardstown—Oct. 3, 4, 19, 1862.  
Bardstown—July 5, 1863.  
Bardstown, near—Aug. 1, 1864.  
Bardstown Pike, near Mount Washington—Oct. 1, 4, 1862.  
Bardstown Road—Oct. 9, 1862.  
Barren Mound—Oct. 15, 1862.  
Bath County—March 26, 1865.  
Beach Fork—Oct. 6, 1862.  
Bear Wallow—Sept. 19, Dec. 25, 1862.  
Beaver, Forks of—March 31, 1864.  
Beech Grove (see Mill Springs)—Jan. 19, 1862.  
Bell Mines—July 13, 1864.  
Benson's Bridge, near—June 10, 1864.  
Big Creek Gap—June 11-13, 1862.  
Big Hill—Aug. 23, Oct. 18, 1862.  
Big Hill and Richmond, between—Aug. 29, 1862.  
Big Pigeon River—Nov. 5-6, 1864.  
Big Rockcastle Creek—Oct. 16, 1862.  
Blackwater River—March 29, 1865.  
Bloomfield—Oct. 18, 1862.  
Bloomfield—Nov. 5, 1864.  
Boonville—April 14, 1864.  
Boston—Dec. 29, 1862.  
Bowling Green, occupied by Confederates—Sept. 18, 1861.  
Bowling Green, occupied by Union forces—Sept. 15, 1862.  
Bowling Green Road—Sept. 17, 1862.  
Bradfordsville—Feb. 8, 1865.  
Brandenburg—July 9, Sept. 12, 1863.  
Brimstone Creek—Sept. 10, 1863.  
Brookville—Sept. 28, 1862.  
Brown's Hill—Oct. 7, 1862.  
Brownsville—Nov. 20, 1861.  
Brushy Creek—April 7, 1864.  
Burkesville—Nov. 8, 1862.



Burkesville Road, near Green's Chapel—Dec. 25, 1862.  
Burnt Cross-Roads—Oct. 6, 1862.  
Bushy Creek—April 7, 1864.  
Calhoun—Nov. 25, 1862.  
Camp Coggin, near—Dec. 1-2, 1861.  
Camp Joe Underwood—Oct. 24, 1861.  
Camp Wildcat—Oct. 21, 1861.  
Camp Wildcat—Oct. 17, 1862.  
Canton—Aug. 22, 1864.  
Carter County—Aug. 27, 1863.  
Cave City—May 11, Sept. 18, 1862.  
Cedar Church, near Shepherdsville—Oct. 3, 1862.  
Celina—April 19, 1863.  
Cerro Gordo, naval—June 19, 1863.  
Chaplinton—Jan. 30, 1865.  
Chaplin Hills, or Perryville—Oct. 7-8, 1862.  
Chesser's Store, or Dog Walk, near Salt River—Oct. 9, 1862.  
Christiansburg—July 1, 1863.  
Clark's Neck—Aug. 27, 1863.  
Clay Village—Oct. 4, 1862.  
Clinton—March 10, July 10, 1864.  
Coal Run, mouth of, Pike County—July 2, 1863.  
Colesburg, attack on Fort Jones, near—Feb. 18, 1865.  
Columbia—June 29, July 3, 1863.  
Columbia, occupied by Confederates—Sept. 3, 1861.  
Columbus—Sept. 4, 1861.  
Columbus, naval—Jan 7-11, 1862.  
Columbus—Dec. 15, 1862.  
Columbus, evacuated by Confederates—March 2-3, 1862.  
Columbus, occupied by Union forces—March 3, 1862.  
Columbus—March 6, 27, April 11, 13, 1864.  
Columbus, near—Jan. 3, 1863.  
Columbus, ten miles from—Jan. 18, 1865.  
Coomb's Ferry—Feb. 22, 1863.  
Covington, Fort Mitchel—Sept. 10, 1862.  
Crab Orchard—Oct. 15, 16, 1862.  
Crab Orchard—Aug. 18, 1863.  
Crab Orchard Road—Oct. 14, 1862.  
Creek Head, near—April 24, 1863.  
Creeshorough—April 19, June 29, 1863.  
Crittenden—June 27, 1864.  
Cross-Roads—Oct. 18, 1862.  
Cumberland River (see Horseshoe Bottom)—Nov. 29, 1863.  
Cumberland River—Jan. 27, March 19, 1864.  
Cumming's Ferry, near Kentucky River—July 7, 8, 1863.  
Cynthiana—July 17, 1862.  
Cynthiana, Keller's Bridge—June 11, 1864.  
Cynthiana, capture of—June 11, 12, 1864.  
Danville—Oct. 11, 1862.  
Danville—March 24-26, 28, 1863.  
Danville—Jan. 29, 1865.  
Danville Cross-Roads—Oct. 10, 1862.  
Dick's Ford—Oct. 12, 1862.  
Dog Walk, or Chesser's Store, near Salt River—Oct. 9, 1862.  
Dresden (see Lockbridge's Mills)—May 5, 1862.  
Dry Ridge—Oct. 9, 1862.  
Dutton's Hill, near Somerset—March 30, 1863.  
Eddyville—Oct. 17, 1864.  
Eddyville, expedition to—Oct. 26, 1861.

Edmonton—June 7, 1863.  
Elizabethtown, capture of, by Union forces—Dec. 27, 1862.  
Elizabethtown Road—Sept. 29, 1862.  
Fair Ground—Oct. 6, 1862.  
Falmouth, near—Sept. 17, 1862.  
Fancy Farms—March 22, 1864.  
Fern Cr  ek—Oct. 1, 1862.  
Fishing Creek—Dec. 8, 1861.  
Fishing Creek (see Mill Spring)—Jan. 8, 19, 1862.  
Flat Lick—Aug. 17, 1862.  
Florence, near—Sept. 18, 1862.  
Floyd County—Dec. 4, 1862.  
Forked Deer River—March 31, 1864.  
Fort Heiman—Feb. 13, 1862.  
Fort Heiman, near, Undine (No. 55), gun-boat, capture of—Oct. 30, 1864.  
Fort Holt, naval—Dec. 1, 1861.  
Fort Jones, near Colesburg—Feb. 18, 1865.  
Fort Mitchel, near Covington—Sept. 10, 1862.  
Fox Springs—June 16, 1863.  
Frankfort and Louisville Road—Oct. 1, 1862.  
Frankfort—June 10-12, 1864.  
Franklin—July 5, 1863.  
Franklin and Scottsville Road—Sept. 9, 1862.  
Franklin Road—Oct. 1, 1862.  
Garrettsburg—Nov. 6, 1862.  
Geiger's Lake—Sept. 3, 1862.  
Geiger's Lake—July 15, Aug. 18, 1864.  
Ghent, near—Aug. 29, 1864.  
Glasgow—Sept. 18, 30, Dec. 24, 1862.  
Glasgow—Oct. 6, 1863.  
Glasgow, near—March 25, 1865.  
Goose Creek Salt Works, destruction of—Oct. 23-24, 1862.  
Gradyville—Dec. 12, 1861.  
Grassy Mound—Oct. 6, 1862.  
Greensburg, operations near—Jan. 28-Feb. 2, 1862.  
Green's Chapel—Dec. 25, 1862.  
Green River Bridge, or Tebb's Bend—July 4, 1863.  
Greenville, near and at—Sept. 11, Dec. 3, 1863.  
Grider's Ferry, Cumberland River—Dec. 25, 1861.  
Grubb's Cross Roads—Aug. 21, 1864.  
Guerilla Camp (see Powell County)—Dec. 26, 1862.  
Hoddix's Ferry, expedition from Paducah—July 26-27, 1864.  
Half Mountain—April 14, 1864.  
Hamilton's Ford (or Johnson's Ferry)—Dec. 29, 1862.  
Harrodsburg—Oct. 13, 1862.  
Harrodsburg—Oct. 21, 1864.  
Harrodsburg, near—Jan. 29, 1865.  
Hazel Green—March 9, 19, 1863.  
Henderson—June 30, Sept. 14, 1862.  
Henderson, raid on—July 18, 1862.  
Henderson County—Nov. 1, 1862.  
Henderson, near—Sept. 25, 1864.  
Hickman—Sept. 4, 1861.  
Hickman's Bridge—March 28, 1863.  
Hodgensville, near—Oct. 23, 1861.  
Hopkinsville—Sept. 29, 1861.  
Hopkinsville, raid from Paris, Tennessee—Dec. 6, 1864-Jan. 15, 1865.  
Horse Cave—Sept. 19, 1862.  
Horseshoe Bottom, Cumberland River—May 10, 1863.

Howard's Mills—June 13, 1863.  
Howard's Mills—March 9, 1865.  
Hustonville—Feb. 9, 1865.  
Irvine—July 30, 1863.  
Ivy Mountain—Nov. 8-9, 1861. •  
Jackson—Dec. 1-10, 1863.  
Jamestown—June 2, 1863.  
Jennie's Creek—Jan. 7, 1862.  
Joe Underwood, Camp—Oct. 24, 1861.  
Johnson's Ferry, or Hamilton's Ford—Dec. 29, 1862.  
Keller's Bridge, near Cynthiana—June 11, 1864.  
Kentucky Line—Sept. 8, 1862.  
Kentucky, Morgan's forces enter—June 4, 1864.  
Kentucky River—Aug. 31, 1862.  
Kentucky River (see Tait's Ferry)—Sept. 1, 1862.  
Kentucky River—July 8, 1863.  
Kettle Creek—June 9, 1863.  
La Fayette—Nov. 27, 1863.  
Lancaster—Oct. 14, 1862.  
Lancaster—July 31, 1863.  
Lancaster Road—Oct. 13, 1862.  
Laurel Bridge, Cumberland Ford—Oct. 28, 1861.  
Laurel Bridge—Sept. —, 1861.  
Lawrence County—Aug. 27, 1863.  
Lawrenceburg—Oct. 8, 11, 25, 1862.  
Lebanon, near, and capture of—July 12, 1862.  
Lebanon—July 5, 1863.  
Lebanon Junction—Sept. 28, 1862.  
Lexington, occupied by Confederate forces—Sept. 2, 1862.  
Lexington—Oct. 18, 1862.  
Lexington, capture of—June 10, 1864.  
Licking River—April 14, 1864.  
Little Rockcastle River—Oct. 18, 1862.  
Lockbridge's Mills and Dresden—May 5, 1862.  
Logan's Cross-Roads (see Mill Springs)—Jan. 19, 1862.  
Log Church—Sept. 10, 1862.  
London—Aug. 17, 1862.  
London—July 26, 1863.  
Louisa—March 12, 25-26, 1863.  
Louisa Expedition to Rock House Creek—May 9-13, 1864.  
Louisville—Sept. 30, Oct. 1, 1862.  
Louisville Pike—Oct. 1, 1862.  
Lusby's Mill, near—June 20, 1862.  
Lyon County—April 29, 1865.  
Mackville—July 14, 1862.  
Mackville Pike—Oct. 9, 1862.  
Madison Road—Oct. 19, 1862.  
Madisonville—March —, 1863.  
Madisonville—Aug. 25, Sept. 5, 1862.  
Mammoth Cave, near—Aug. 17, 1862.  
Manchester—Oct. 14, 1862.  
Marrowbone—July 2, 1863.  
Marrowbone Creek—Sept. 23, 1863.  
Marshall—Jan. 12, 1864.  
Martin Creek—July 10, 1863.  
Maysfield—May 20, 1864.  
Maysfield, raid on—March 10, 1864.  
Maysfield Creek—Sept. 21-22, 1861.  
Maysville—June 16, 1863.

McCormick's Gap—Sept. 20, 1864.  
Merry Oaks—Sept. 17, 1862.  
Middle Creek, near Prestonsburg—Jan. 10, 1862.  
Mill Spring, Beech Grove, Fishing Creek or Logan's Cross Roads—Jan. 19, 1862.  
Mill Spring, at and near—May 29, 1863.  
Monterey—June 11, 1862.  
Montgomery County, operations in—Oct. 16-25, 1862.  
Monticello, operations in—April 28-May 2, 1863.  
Monticello, near and at—May 9, June 9, Nov. 27, 1863.  
Morgan County—Oct. 6, 1863.  
Morganfield, near—Aug. 3, Sept. 1, 1862.  
Morganfield, near and at—May 6, June 25, July 14, 1864.  
Morgan's First Raid—July 4-28, 1862.  
Morgan's Second Raid—Dec. 22, 1862-Jan. 2, 1863.  
Morgan's Raid Into—May 31-June 20, 1864.  
Morgantown, near—Oct. 31, 1861.  
Mount Carmel—June 16, 1863.  
Mount Sterling—March 19, 1863.  
Mount Sterling, capture of—March 22, 1863.  
Mount Sterling—Dec. 1-10, 1863.  
Mount Sterling—June 9, 1864.  
Mount Sterling, capture of—June 8, 1864.  
Mount Vernon, near Wild Cat Mountain—Oct. 16, 1862.  
Mount Washington, Bardstown Pike—Oct. 1, 1862.  
Mount Zion Church—Aug. 30, 1862.  
Mountain Gap, near—Oct. 14-16, 1862.  
Mountain Side—Oct. 18, 1862.  
Mud Lick Springs, near, Bath County—June 13, 1863.  
Muldraugh's Hill—Dec. 28, 1862.  
Muldraugh's Hill, near New Market—Dec. 31, 1862.  
Munfordsville (see Rowlett's Station)—Dec. 17, 1861.  
Munfordsville—Sept. 20-21, 1862.  
Munfordsville, siege of—Sept. 14-17, 1862.  
Munfordsville, Bacon Creek, near—Dec. 26, 1862.  
Negro Head Cut, near Woodburn—April 27, 1863.  
Nelson's Cross-Roads—Oct. 18, 1862.  
New Haven, near and at—Sept. 29, Dec. 30, 1862.  
New Haven, near—Aug. 2, 1864.  
New Hope Station, near—July 25, 1863.  
New Market, Muldraugh's Hill—Dec. 31, 1862.  
New Market—Feb. 8, 1865.  
Nolin, capture of stockade—Dec. 26, 1862.  
Number 55, Undine, gunboat (see Undine)—Oct. 30, 1864.  
Oakland Station—Sept. 16, 1862.  
Owen County—June 20, 23, Oct. 15-20, 1862.  
Owensborough—Sept. 18, 1862.  
Owensborough—Aug. 27, 1864.  
Owensborough, guerilla raid on—Sept. 2, 1864.  
Paducah—Aug. 22, 1861.  
Paducah—April 14, 1864.  
Paducah, naval—Oct. 30, 1864.  
Paducah, expedition to Haddix's Ferry—July 26-27, 1864.  
Paducah—March 25, 1864.  
Paintsville (see Jennie's Creek)—Jan. 7, 1862.  
Paint Lick Bridge—July 31, 1863.  
Paintsville—April 13, 1864.  
Paris—July 19, 1862.  
Paris, near and at—March 11, April 16, July 29, 1863.

Paris, Tennessee, Lyon's raid from to Hopkinsville—Dec. 6, 1864.  
Perryville (see Chaplin Hills)—Oct. 7-8, 1862.  
Phillip's Fork, Red Bird Creek—May 10, 1863.  
Pike County—July 2, 1863.  
Pike County—May 16, 18, 1864.  
Pikeville—April 15, 1863.  
Pikeville—February 25, 1865.  
Pikeville, or Ivy Mountain—Nov. 9, 1861.  
Pikeville—Nov. 5, 1862.  
Pitmans Crossroads—Oct. 19, 20, 21, 1862.  
Pleasureville, near—June 9, 1864.  
Pond Creek, Union County—July 6, 1863.  
Pond Creek, Pike County—May 16, 1864.  
Pound Gap—March 16, 1862.  
Pound Gap—May 9, June 1, 1864.  
Pound Gap, near—June 1, 1864.  
Powell County, capture of guerilla camp—Dec. 26, 1862.  
Prestonsburg, near Middle Creek—Jan. 10, 1862.  
Prestonsburg—Dec. 4-5, 1862.  
Quicksand Creek—April 5, 1864.  
Ragland Mills, Bath County—Jan. 13, 1864.  
Red Bird Creek—Aug. 25, 1862.  
Red Bird Creek (see Phillip's Fork)—May 10, 1863.  
Richmond—Aug. 30, 1862.  
Richmond—July 28, 1863.  
Richmond and Big Hill, between—Aug. 29, 1862.  
Roaring Springs—Aug. 22, 1864.  
Rockcastle Creek (see Big Rockcastle)—Oct. 16, 1862.  
Rockcastle Hills—Oct. 18, 21, 1861.  
Rockcastle River—Oct. 18, 1862.  
Rocky Gap—June 9, 1863.  
Rocky Hill—Oct. 17, 1862.  
Rocky Hill Station, burning of—July 4, 1863.  
Rogersville, near—July 27, 1863.  
Rolling Fork—Dec. 29, 1862.  
Rowlett's Station, Munfordsville or Woodsonville—Dec. 17, 1861.  
Russellville—July 29, Sept. 30, 1862.  
Russellville—June 28, 1863.  
Sacramento—Dec. 28, 1861.  
Salem—Aug. 8, 1864.  
Salt River, Dog Walk, or Chesser's Store—Oct. 9, 1862.  
Salt Works, Clay County, capture of—Sept. —, 1861.  
Salyersville—Oct. 10, 30, Nov. 30, Dec. 1, 1863.  
Salyersville—April 16, 1864.  
Sanford—Oct. 14, 1862.  
Saratoga—Oct. 26, 1861.  
Scottsville, at and near—June 11, Dec. 8, 1863.  
Scottsville and Franklin Roads—Sept. 9, 1862.  
Sharpsburg—Dec. 31, 1864.  
Shelbyville—Sept. 4, 1862.  
Shepherdsville—Sept. 7, Oct. 3, 1862.  
Shepherdsville—July 7, 1863.  
Shepherdsville Road—Oct. 2, 1862.  
Sibley County—Sept. 3, 1864.  
Simpsonville, near—June 25, 1865.  
Slate Creek, near Mount Sterling—March 2, 1863.  
Smith's—Sept. 11, 1862.  
Smith's Mills—Aug. 19, 1864.  
Smith's Shoals, Cumberland River—Aug. 1, 1863.

Snow's Pond—Sept. 25, 1862.  
Somerset—Dec. 1-13, 8, 1861.  
Somerset, near—March 30, 1863.  
Southerland's Farm—Sept. 19, 1862.  
South Union, near—May 13, 1863.  
Springfield—Oct. 6, Dec. 30, 1862.  
Stanford—Oct. 14, 1862.  
Stanford—July 31, 1863.  
Stoner Bridge—Feb. 24, 1863.  
Tait's Ferry, Kentucky River—Sept. 1, 1862.  
Taylorsville, near—April 18, 1865.  
Tebb's Bend or Green River Bridge—July 4, 1863.  
Terman's Ferry—Jan. 9, 1864.  
Thompkinsville—June 6, Nov. 19, 24, 1862.  
Tompkinsville, capture of—July 9, 1862.  
Triplett's Bridge, Rowen County—June 16, 1863.  
Triune—June 11, 1863.  
Troublesome Creek—April 27, 1864.  
Tunnel Hill—Nov. 19, 1862.  
Undine (No. 55) gunboat, capture of, near Fort Heiman—Oct. 30, 1864.  
Union City—Sept. 2, 1864.  
Union County—July 6, 1863.  
Union County, operations in—July 14-18, Aug. 7, 1864.  
Uniontown—Sept. 1, 1862.  
Upton Hill—Oct. 12, 1861.  
Valley Woods—October 17, 1862.  
Vanceburg—Oct. 29, 1864.  
Vinegar Hill—Sept. 22, 1862.  
Volney, near—Oct. 22, 1863.  
Waitsborough—June 6, 1863.  
West Liberty—Oct. 23, 1861.  
West Liberty—Sept. 26, 1862.  
West Liberty—Oct. 12, 1863.  
Weston, near—Sept. 14, 1864.  
Whippoorwill Creek—Dec. 1, 1861.  
White Oak Springs—Aug. 17, 1864.  
White's Farm—Aug. 30, 1862.  
Wild Cat—Oct. 19-20, 1862.  
Wild Cat Camp—Oct. 21, 1861.  
Wild Cat Mountain, Mount Vernon—Oct. 16, 1862.  
Williamsburg—July 25, 1863.  
Winchester, near—July 29, 1863.  
Wolf River—May 18, 1864.  
Woodburn, at and near—Sept. 10, 12, 1862.  
Woodburn, near and at—April 27, May 13, July 5, 1863.  
Woodbury, at and near—Oct. 19, 1861.  
Woodsonville (see Rowlett's Station)—Dec. 17, 1861.  
Woodsonville, siege of—Sept. 14-17, 1862.

## CHAPTER LXXVII

### THE ROMANCE OF TOBACCO AND ITS EARLY INTRODUCTION IN KENTUCKY

[This chapter and the chapter following were written by Samuel H. Halley, of Lexington, one of the largest growers and warehousemen of the state. No man in Kentucky has studied the subject of growing and marketing tobacco closer than has he, and no one has a more intelligent knowledge of the subject. As a scholar and student he has familiarized himself with the influence tobacco has had on the country, and especially Kentucky, from the earliest times. The short history which follows is so nearly a repetition of the troubles that have beset Kentucky growers that a reminder of the perplexities which the colonists had to endure will be of material interest to the present day growers. No economic subject of produce has influenced the growth and development of Kentucky more than tobacco, and for that reason the valuable information which Doctor Halley has acquired will be a distinct addition to Kentucky history.—EDITOR'S NOTE.]

Writing in 1856, Dr. David Dale Owen, the eminent pioneer geologist of Kentucky, used these words:

"The citizens of Kentucky are preeminently an agricultural people. In the Eastern and Northern States, the wealth, influence, and intelligence of the population are, in a great measure, concentrated in cities, towns and villages. Not so in Kentucky; the substantial patriarchal farmer forms by far the larger and most influential part of the Commonwealth. All, therefore, that relates to the cultivation of the soil is of very general interest."<sup>1</sup>

What has come to be a world staple has a romantic side that reads more like fiction than history.

When Europeans first came to North, Central, and South America and to the West Indies, they found the natives using tobacco in various ways. It was in the month of November, 1492, that the sailors of Columbus, in exploring the island of Cuba, first noted the mode of using tobacco. They found the aborigines carrying what to the Spaniards appeared to be lighted firebrands, and saw with astonishment that they puffed the smoke inhaled from their mouths and nostrils. It was not long thereafter until Columbus and his companions discovered that the supposed "firebrands" were made of the dried leaves of a plant which grew in luxuriance not only in the soil of the West Indian Islands, but also on the mainland. This plant the Indians called tobacco, but both the plant and its use were new to the Spanish discoverers. To the aborigines it was ever significant of hospitality and good will, and meant more than the mere pleasure derived from the smoking or chewing. With the pipe was associated a number of the sacred ceremonies of the tribe, and the simple natives believed that its odor was a fragrance that gave delight to and propitiated the favor of the Great Spirit. The red man sprinkled tobacco on his fish nets to make them more fortunate in the cast. He believed that powdered tobacco thrown in the air, or

<sup>1</sup> *Kentucky Geological Survey*, Vol. 2, p. 9, 1857.

cast on the raging waters, would help somehow to still the tempest or make the fury of the storm less harmful. Whenever the Indians made a treaty or transacted other important business affecting the interests of their tribe, they smoked a pipe, and passed it, as a sort of loving cup, from hand to hand, treating the solemn and soothing act as a seal of confirmation.

The Spaniards early learned to smoke, and the French who visited the North American shores acquired the habit. The explorers carried small quantities of tobacco when they returned to their home ports, and by example and instruction initiated the use of the plant by smoking in Western Europe. Jules Nicot carried some of the dried leaves to France, and the plant became known to botanists as Nicot's plant, or *Nicotiana tobacum*. Its introduction into France was about the year 1561, and it was soon in great demand. People not only smoked it but chewed it, and ground it into dust and snuffed it.

Ralph Lane carried some tobacco to London in 1586, where it was used first as a medicine, but soon became a luxury and was made fashionable by Sir Walter Raleigh. He and his friends often met at the Pied Bull and Mermaid Taverns to smoke their pipes. This social indulgence was at first called "drinking tobacco," since the smoke was swallowed or inhaled and then expelled through the nostrils.

Before 1607, the year of the Jamestown settlement, tobacco plants were growing extensively in European gardens from seed brought from America. It was early observed that the plant grew in different varieties in the Western Hemisphere. The Virginia plant, known to the Indians as "apooke" or "uppowoc," is described by Strachey<sup>2</sup> as being poor and weak in comparison with that of the West Indies. Its height was less than three feet, its bloom yellow, and the leaf short, thick and rounding at the upper end. The whole plant was dried over a fire, or sometimes in the sun, and leaves, stems and stalks were crumbled to powder. But under the cultivation of the colonists, the quality of the Virginia leaf rapidly improved, and it was soon preferred by English consumers above that of any other locality.

The first settlers of Virginia grew rich through the cultivation of the plant. It became their exclusive occupation. The colony was virtually founded upon it, and through tobacco its permanence was insured. Laws, habits, customs, social relations, the progress of the state, all were affected by it. Tobacco soon became the recognized currency of the colony; all values were reckoned by it.

While the Spaniards were the first of the European discoverers of the plant, there has been much dispute as to which nation first began its culture, and whether the plant was cultivated first in the Old World or in the New. It seems to have been in use by man in the remotest antiquity, and its origin has been traced in China, Persia and the East Indies. But however this may be, it seems certain that from time immemorial, in the Valley of the James, the red man was acquainted with the soothing qualities, the pleasing virtues of the "witching weed." Notwithstanding its early introduction and use in England, it is a singular circumstance that in all the works of Shakespeare there appears no allusion to it, although his contemporaries among the British dramatists, particularly Ben Johnson, not infrequently refer to the practice of smoking. Thomas Jefferson has called attention to the fact that the first colonists failed to record whether tobacco was of spontaneous growth in Virginia, or whether tillage was always necessary to its production. He ventured the surmise that it was of tropical origin and had been gradually transmitted from tribe to tribe until it reached the James River region of Virginia.<sup>3</sup> Whether indigenous or not, and whether of

<sup>2</sup> *Historie of Travaile into Virginia Britannia*, pp. 121, 122.

<sup>3</sup> *Notes on Virginia*, p. 41.



spontaneous growth in the soil of the country, it is a significant fact that even today, when so much tobacco is produced in the United States and when it has been a staple crop for more than 300 years, one does not observe it springing up by the roadside as if it were an ordinary weed which spread without the intervention of the hand of man.<sup>4</sup>

It was not until 1612 that the cultivation of tobacco, even in patches of a few plants, began among the English settlers. That the consumption of tobacco in England was already very large may be inferred from the fact that it was supposed, only two years after the experiment of 1612, that the amount used entailed a national outlay of £200,000 sterling per annum.<sup>5</sup>

The first colonist who was led to make a trial of the weed which was to exercise such an enormous influence on the history of Virginia and the United States was the celebrated John Rolfe, the husband of Pocahontas. His attention is said to have been called to it by the fact that he was himself addicted to the habit of smoking. His Indian bride, the beautiful Princess Pocahontas, may also have had something to do with it. Like the squaws and Indian maidens of the tribe of the powerful chieftain, Powhatan, she was trained to the culture of tobacco and accounted it an accomplishment to be able to raise good tobacco. As the favorite daughter of The Powhatan she had a "sizable garden" assigned to her, and there worked industriously among her plants. Some months after the marriage of Pocahontas to Rolfe, Powhatan granted to his English son-in-law a tract of land on the James River. Included in this gift was the garden of Pocahontas, a cleared space having soil particularly favorable to the growth of tobacco. This place, located on the banks of the James, afterwards acquired the name of "Varina," from the supposed resemblance of the tobacco produced there to the celebrated Spanish variety cultivated near Varina, in the Spanish Province of Columbus, in South America.<sup>6</sup> Rolfe's success with the tobacco grown on his plantation was such that it greatly stimulated the industry in Virginia.

The finest tobacco was spoken of as the long sort, which the colonists were especially commanded to cultivate, all other kinds being strictly prohibited. The marketing of "seconds," "slips," "ground-leaves" and trash was expressly forbidden. The manner of curing the leaf for a long time was very defective. Knowledge acquired during a long course of time has shown that half the virtue of the plant lies in its handling after the leaves are gathered, but the Virginia planters were slow to recognize this fact. They even failed to profit by the experience of the Indians, which had demonstrated the expediency of redrying by means of artificial heat.

In order to improve the quality, laws and regulations were promulgated, but seldom rigidly enforced, from the very beginning of the industry in Colonial Virginia. The first statutory regulation, looking to the destruction of the lowest grades, was adopted in 1619, at the meeting of the first Legislative Assembly ever convened in America. All tobacco was required to be brought to a central depot or storehouse, known as the Cape Merchant, and there subjected to an examination or inspection by four viewers. The leaves found to be worse in quality than those appraised at 18d a pound were to be burnt on the spot. The authorities charged with the duty of enforcing this drastic provision, however, were inclined to be lenient, and it was rarely carried out with literal exactness. This penalty was one of the many that were periodi-

<sup>4</sup> *Bruce's Economic History of Virginia in the Seventeenth Century*, Vol. I, pp. 160, 165; 210-212.

<sup>5</sup> *Ibid.*, Vol. I, p. 211.

<sup>6</sup> *Ibid.*, Vol. I, p. 218, and *Virginia Historical Register*, Vol. I, No. IV, p. 161.

cally imposed by the successive legislatures with the view of improving the quality of the product.<sup>7</sup>

It is of interest to note that this practice of burning the worthless or "refused" tobacco was carried into the first general tobacco inspection law adopted in Kentucky. By that law, approved February 6, 1798, it was provided that after the refused tobacco had been first picked over by specially authorized "pickers" employed at the inspection warehouse, and that part found merchantable set aside from the rest, "the inspectors shall cause the tobacco which shall by them be judged unfit to pass, to be burnt in the funnel erected or to be erected at such warehouse."<sup>8</sup> This heroic method of getting rid of low grade and unmerchantable tobacco remained in force for ten years and was not repealed until February 24, 1808, by an act of that date to take effect on the first of the following June. The language of this act was that "no tobacco hereafter refused by inspectors shall be by them burnt, but that the owner of all such refused tobacco may dispose of the same as he may deem proper." To this was added the proviso, however, that release from burning should not "authorize the repacking of any refused tobacco, after picking, in casks or hogsheads of crop or transfer tobacco."<sup>9</sup>

In 1620, production in Virginia reached 55,000 pounds and, at \$54.75 per 100 pounds, tobacco brought the colonists \$30,112. As the population grew and new settlements were made, the crop increased proportionately, not only in Virginia but in Maryland and the Carolinas as well. From the James River Valley its cultivation was extended to the York, Rappahannock and Potomac River settlements, and then along the Chesapeake clearings in Maryland, and southward into the Albemarle and Pamlico districts in Carolina. The supply grew so large that it outran the demand, quality was sacrificed to quantity, and the colonists frequently suffered from overproduction and consequent low prices. These recurring depressions got to be a serious matter, particularly in Virginia and Maryland, where tobacco constituted the chief staple and formed the only important, if not exclusive, commercial crop. After 1620 the general downward trend of prices is indicated by the following table:

Year	Cents Per Pound
1639 .....	6.08
1647 .....	6.08
1688 .....	3.08
1703 .....	2.03
1730 .....	1.52
1744 .....	4.06
1790 .....	3.40

Various means were employed by the colonists to check this downward course of prices and avert depressions. Unsuccessful attempts were made from time to time, particularly in the years 1666 and 1667, through the Colonial assemblies, to get the planters of Virginia, Maryland and North Carolina to cease planting altogether for a single season, but mutual jealousy and suspicion frustrated the plan. Another method resorted to was to limit by statute, not the acres but the maximum number of plants each planter might cultivate. What in modern times has come to be called a "cut-out" was then denominated a "cessation," and what would now be described as a limitation or restriction of the acreage of tobacco to be put in cultivation was then termed a "stint." But the trouble was that neither a "cessation" nor a "stint" seemed to work or to

<sup>7</sup> Bruce, *Economic History of Virginia*, Vol. I, pp. 303-307.

<sup>8</sup> *Bradford's Laws of Kentucky*, Vol. I, pp. 128-152, and *Littell's Laws of Kentucky*, Vol. I, pp. 131-161.

<sup>9</sup> *Littell's Laws*, Vol. III, p. 526.

bring about higher prices or a better return—the result desired.<sup>10</sup> There was continuous legislation designated to regulate the size and weight of casks or hogsheads, the places of storage, the manner of inspection, and the methods of packing and shipping abroad.

Early in the year 1682 a considerable number of planters in three or four counties of Virginia, Robert Beverly, clerk of the Assembly and one of the first of Virginia historians, being foremost among them, petitioned the lieutenant and acting governor, Sir Henry Chicheley, to call a session of the General Assembly to pass an act “for a cessation of planting for one year.” This Assembly met in April, 1682, “but, after some time spent in fruitless debates, were dissolved and another summoned.” Thereupon many discontented persons in Gloucester, New Kent and Middlesex, three of the petitioning counties, fell to cutting up tobacco plants, to prevent which the deputy governor issued several proclamations. The ringleaders were arrested. Three were hanged, the rest pardoned, one on the peculiar condition that he build a bridge. For nearly two years, it is said, the chief public event in the colony was an undignified chase after Beverly, the clerk of the Assembly and one of the chief offenders in the tobacco-cutting riot, with varied episodes of escape and recapture. Finally, in May, 1684, after having been apprehended, he was bound over to keep the peace and set at liberty.<sup>11</sup>

Fifty years later, in Maryland, there occurred a similar outbreak in Prince George's County, as is shown by the archives of that province. The trouble there seemed to be provoked by the persistent failure of the Maryland Assembly to adopt and put into execution a suitable inspection law, by means of which the quality of the crops exported might be controlled. The date of the outbreak is fixed by a stern proclamation issued by Governor Samuel Ogle on May 9, 1732, denouncing the rioters and offering a reward of £50 for the apprehension and conviction of any of the “principal offenders.”<sup>12</sup> After an exchange of formal “Speeches” and responsive “Addresses” between the governor and the two Houses of the General Assembly of Maryland, that body, at its session of 1732, passed a law “To prevent cutting up Tobacco Plants, destroying of Tobacco and Tobacco Houses, and for ascertaining the Punishment of Criminals guilty of the said Offences.” For the offense of cutting up or destroying any tobacco or tobacco plants belonging to another, the guilty party was subject to “forfeit and pay unto the Party grieved One Hundred Pounds Sterling, and suffer Six Months Imprisonment, without Bail or Mainprize,” and made answerable in damages to the party aggrieved. To this it was added: “That any Person or Persons who shall wilfully burn any Tobacco belonging to any other Person, whether hanging, or in bulk, or packed, or any Tobacco House or Houses, having therein any Tobacco hanging, or in bulk, or packed, and ever Aider and Abettor of such Offender, shall suffer Death as a Felon, without Benefit of Clergy.” This drastic enactment was continued in force until 1744.<sup>13</sup>

In North Carolina, as in Virginia and Maryland, tobacco was the staple in which payments were made. It was the basis of all bills of credit. But an export duty of a penny a pound was imposed on all tobacco sold in the inter-colonial trade. The enforcement of this duty (1672-1677) caused first murmuring and then open and armed resistance among the settlers.<sup>14</sup>

From these early instances of disorder in the three principal South-

<sup>10</sup> Hening, *Statutes at Large of Virginia*, Vol. II, Preface, page v, and pp. 190, 221, 222, 224, 228, 229, 232, 251, 252.

<sup>11</sup> Boyle's *English Colonies in America*, Vol. I, pp. 192-194, and 261-262; Hening's *Statutes at Large of Virginia*, Vol. II, pp. 561-562.

<sup>12</sup> *Maryland Archives*, Vol. XXVIII, pp. 7-9.

<sup>13</sup> *Maryland Archives*, Vol. XXXII, pp. 370-371; 372-373; 450-451; and 530-531.

<sup>14</sup> Ashe, *History of North Carolina*, Vol. I, pp. 113, 115-117.

ern colonies, it is easy to see that the so-called "night-riding," which transpired throughout the tobacco belt of Kentucky in 1907-1908, was not without ancient precedent.

After repeated and ineffectual attempts to secure unanimity of action on the part of the lord proprietary, his provincial governor and council and the General Assembly of Maryland, that province, in 1747, secured an inspection law modeled after an earlier enactment of Virginia, which had proved highly beneficial, and thenceforward down to the dawn of the Revolution the condition of the tobacco trade in Maryland was decidedly improved.<sup>15</sup> Throughout the entire period preceding the Revolution it is interesting to note that reference may now and then be found to "the indisposition of the planters to cooperate," a weakness which has but recently been overcome to advantage by the tobacco growers of Kentucky and neighboring states.

In the legislative proceedings of Virginia of 1623, all contracts and dues are estimated in tobacco instead of money, and, notwithstanding this was found inconvenient, owing to the fluctuations in the market value, the lack of specie forced the inhabitants to resort to a system of barter, and tobacco, as the staple product of the country, became ultimately the recognized medium of exchange. Legal dues were commuted for tobacco at a fixed rate. The same thing happened in Maryland, and only to a less degree in the Carolinas.<sup>16</sup>

That this somewhat primitive system lasted until the separation of Kentucky from the parent State of Virginia is sharply indicated by a law which was passed at the very first meeting of the General Assembly of Kentucky, held at Lexington in the month of June, 1792. By that act, approved June 28, 1792, it was expressly provided "That all officers' fees which by the laws now in force are chargeable and receivable in tobacco shall in future be charged in money and collected in the currency of this state; and for every pound of tobacco allowed by any existing laws to any officers, witness, or other person, as a compensation for any services, they shall in lieu thereof be entitled to receive one penny current money of Kentucky; that for all fines and forfeitures in tobacco, imposed by any law of Virginia in force in this state, suits may be instituted and recovered in money at the same rate."<sup>17</sup>

England's colonial policy favored the cultivation of tobacco. To insure a monopoly to the American planter, tobacco cultivation was forbidden in England and Ireland.

It has, indeed, been broadly stated that the history of the development of tobacco in the American colonies is the history of the progress of liberty among English-speaking peoples.

Originally tobacco was put up for the market in rolls of 100 pounds. Then the cask or hogshead was introduced. These ranged from 500 to 1,500 pounds in weight. Tobacco was brought to the licensed warehouses, usually by the river side or sea shore, where it was weighed, inspected, assorted and graded by the official inspectors, and the planter was given an "inspection receipt" or "crop note" or "transfer certificate," which were in most respects equivalent to an ordinary warehouse receipt of modern times. These "notes" or "receipts" were legal tender for public dues and officers' fees and served the uses of commercial paper, the planter either selling his notes or receipts to a tobacco merchant, exchanging them for other commodities, or using them to discharge his debts.

For a long time it was quite common throughout the tobacco-growing colonies to roll the tobacco in hogsheads from the plantation to the cen-

<sup>15</sup> *Maryland Archives*, Vol. XXVIII, pp. 308-311; *Maryland as a Proprietary Province*, by Newton D. Mereness, Chap. IV, "Industrial Development."

<sup>16</sup> Hening, *Statutes at Large of Virginia*, Vol. I, p. 122; Doyle, *English Colonies in America*, Vol. I, p. 193.

<sup>17</sup> *Littell's Laws of Kentucky*, Vol. I, p. 88. Chapter XX.

tral market or shipping port. For this purpose the hogsheads were made closer in the joints than if they were intended to be conveyed by wagon, and were plentifully hooped with strong hickory hoops. Two hickory saplings were then affixed to the butts of the hogshead to serve as shafts, and between these shafts a horse, or sometimes two or more in tandem, were then harnessed as if to a cart or wagon. The rough, meandering paths made across the open fields and through the primeval forests in the movements of these ponderous cylinders were commonly called "rolling-roads."<sup>18</sup>

In course of time many species or varieties of tobacco came to be known to commerce, but in the North American colonies there were three prevailing types grown and marketed: (1) sweet-scented (light-weight); (2) Orinoco (heavyweight); and (3) Pryor (medium weight). The Orinoco took its name from the river of that name in Venezuela, the Pryor from the name of a specially successful Virginia planter. The sweet-scented and Orinoco were generally grown on river-bottom land, and it is of interest to observe how these two brands are specifically mentioned in the form of crop receipt prescribed by the first general inspection law enacted by the General Assembly of Kentucky in February, 1798.<sup>19</sup> As appears from this early statute, Kentucky also inherited from Old Virginia the custom of issuing "crop-notes" or "crop receipts" for tobacco deposited in the public warehouses.

The progress and expansion in the production of leaf tobacco in the American colonies may be exhibited by the following table:

Year	Pounds	Year	Pounds
1618 .....	20,000	1688 .....	29,147,000
1619 .....	40,000	1691 .....	36,000,000
1620 .....	55,000	1706 .....	28,858,000
1621 .....	60,000	1745 .....	38,230,000
1627 .....	500,000	1753 .....	48,263,000
1639 .....	1,500,000	1765 .....	75,482,000
1641 .....	1,300,000	1774 .....	101,828,617
1664 .....	23,750,000	1790 .....	130,000,000

At the end of the Colonial period, tobacco had reached the high water mark of its importance. In 1790 it ranked second in value on the list of exports and amounted to \$4,349,567, or 21½ per cent of the total exports (\$20,000,000) from the United States. It was exceeded only by flour, which was valued at \$4,591,293, and in 1791 it exceeded flour as an export crop. At this time over one-half of the total Southern population was either engaged in or depended on the cultivation of tobacco for a livelihood.

The effects of the embargo and the War of 1812 were disastrous to the tobacco planters. In 1806 our tobacco exports were 83,186 hogsheads. In 1808 they fell to 9,576 hogsheads. In 1810, 84,134 hogsheads were exported, but in 1814 only 3,125 hogsheads.

From 1790 to 1840 the tobacco industry was stationary. It was not until 1840 that our exports of the weed equalled those of 1790. Improvements, however, in the curing of tobacco gave the industry new life. Prior to 1812 most tobacco was cured in the open air. Subsequently wood fires were used for curing, and in 1837 charcoal was introduced. A new type known as "yellow bright," a popular leaf which originated in North Carolina, created new markets in Europe. In a single decade, from 1850 to 1860, tobacco production increased 115 per cent.

In Virginia, Maryland and North Carolina, during Colonial days, and

<sup>18</sup> *Tobacco, Its History, etc.*, by E. R. Billings, pp. 72-74; *Old Times in the Colonies*, by Chas. Carleton Coffin.

<sup>19</sup> *Littell's Laws of Kentucky*, Vol. II, p. 146.

later in Kentucky and Tennessee, tobacco was a barometer which measured the prosperity of the people. Exports, which in 1790 amounted to \$4,349,569, in 1840 reached \$9,883,957, and in 1860 were \$15,906,547. The per capita wealth in the South in 1790 was much greater than that of the North, being for the free population, \$137.98 for New England, \$14.41 for the Middle States, and \$217.07 for the Southern States. The South was not only the largest tobacco producing section of this country, but of the world, and its leadership in productive wealth stamped upon the South its chief economic features.

The history of exportation from 1790 to 1865 is summarized in the following table, taken from the Tenth Census, showing exports of tobacco by typical five-year periods:

Years	Hogsheads
1790-94 .....	465,065
1819-23 .....	402,403
1833-37 .....	474,759
1843-47 .....	688,424
1857-61 .....	811,454

The soil in the older states having become impoverished by the improvident methods of cultivation in vogue, the unvarying pursuit of a single crop, with no fertilizer and no rotation of crops, by the close of the American Revolution there had developed an urgent need of taking up new land in the untilled wilderness of the West. The pressure of this necessity constituted one of the strongest stimulants to westward migration from Virginia over the Alleghanies into Kentucky, Tennessee and Ohio.

Captain Christopher Gist, an agent for the "Ohio Company," came down the Ohio River and found tobacco being grown by a tribe of Indians at Shawneetown, the present site of Portsmouth, Ohio. During this same period, tobacco was being raised by the Shawnees at their Town of Es-Kippa-Ki-Thi-Ki, at the present site of Indian Old Fields, on the waters of Lulbegrud Creek, in Clark County, Kentucky. This locality was visited in the winter of 1752-53 by John Finley or Findlay, a trader of Pennsylvania, with three or four companions, and was revisited by Findlay, accompanied by Daniel Boone and others, in June, 1769.<sup>20</sup>

From the presence of pipes of stone, clay and other material in the mounds, earth-works and other monuments left by the mound builders, it is evident that tobacco was known in prehistoric times in the Ohio Valley and that its use in this region antedated the coming of the Indians.

In 1775 white pioneers migrating westward from Virginia and North Carolina, at the instigation of the promoters of the Transylvania Company, made a permanent settlement at Boonesborough, on the south side of the Kentucky River. Being familiar with the handling of tobacco and its value, they immediately began growing it along with other crops. Soon after the founding of Boonesborough, the price of export tobacco increased rapidly, which encouraged the tobacco farmers of Virginia, Maryland and North Carolina to migrate into this new and fertile territory. Following the custom long prevalent in Virginia, tobacco became, to a limited extent, a medium of exchange. After home consumption had been supplied, the surplus was shipped down the Mississippi to New Orleans for exportation, but, having to pass through Spanish territory and being dependent on Spanish favor, this traffic encountered many difficulties, some of which were not finally overcome until several years after the acquisition of the Louisiana Territory by the United States in 1803. Filson, in his History of Kentucky, published in 1784, asserts

<sup>20</sup> Hanna's "The Wilderness Trail," Vol. II, p. 235.

that "tobacco may be cultivated to great advantage, although not altogether the staple commodity of the country."

One of the first among the pioneer *entrepreneurs* of Kentucky to exploit on a considerable scale the growth and export of the Kentucky product was Gen. James Wilkinson, a native of Maryland, who had served in the Continental Army during the Revolution and came to Kentucky in the month of February, 1784. Setting out in the end of April, 1787, from Central Kentucky with a small cargo of tobacco and other produce, he descended the river to New Orleans, where he arrived the last of June or first of July. After disposing of his shipment at satisfactory prices, he obtained from the Spanish governor, Don Estevan Miro, a permit authorizing him to import, on his own account, to the market of New Orleans, free of duty, \$35,000 worth of Kentucky produce. The profits on tobacco were high, for in 1787 it brought in Spanish money \$9½ a hundredweight, while it was worth but \$2 in Kentucky. A second permit, dated August 8, 1788, was granted by Miro to Wilkinson and forwarded to the latter in Kentucky. This permit contained no limitation as to the amount to be imported from Kentucky. Its language, in part, was as follows:

"I, Don Estevan Miro, Colonel of the Royal Armies, Political and Military Governor, and Intendant General of the Provinces of Louisiana and West Florida, and Inspector of the Troops, etc., Grant free and full permission to the American Brigadier, Don James Wilkinson, settled in Kentucky, to direct or cause to be brought into this country by inhabitants of Kentucky one or more launches belonging to him with cargoes of the productions of that country." <sup>21</sup>

To gain a revenue from the foreign trade, the Virginia Assembly, by an act of May 8, 1784, provided for the collection of customs duties at Louisville and also at Limestone (Maysville), another important shipping point on the Ohio River.<sup>22</sup> In 1789, when the first customs districts were established by Congress, Louisville was made a port of entry for the district of Kentucky, and on August 4th of that year Peyton Short, a business partner of Wilkinson, was appointed collector. For ten years thereafter this was the only port on the Western rivers.<sup>23</sup>

Wilkinson's successful expeditions gave an impulse to the cultivation of tobacco in Kentucky, and the number of public warehouses for its storage and inspection increased rapidly along the rivers. Some of them antedated his first trips to New Orleans and greatly facilitated trade with the South. The center of Wilkinson's operations was Lexington, in Fayette County, where in 1784 he had opened a store, said to have been the third established in the district, but the Town of Frankfort was established in 1786 on land belonging to him, by special act of the Virginia Legislature.<sup>24</sup>

Three years before Kentucky began her existence as a commonwealth, separate from Old Virginia, the underlying principle of the plan lately adopted by growers of tobacco in Kentucky and adjoining states, under the name of "Burley Tobacco Growers Co-operative Marketing Association," was recognized and enunciated in a single sentence that occurs in a letter of December 19, 1789, from James Wilkinson and Peyton Short, his co-partner, to Col. Isaac Shelby, a planter in Lincoln County, of which he was at that time high sheriff, and who afterwards became

<sup>21</sup> Collins, *History of Kentucky*, 1874. Vol. I, p. 21; Clark; *Proofs of the Corruption of General James Wilkinson*, Notes, No. 1, p. 4; No. 27, pp. 55-56; *Wilkinson's Memories*, Vol. II, p. 109, pp. 115-116; Deposition XIII; *American Historical Review*, Vol. IX, p. 494. For a picture of the times see "The Crossings" by Winston Churchill.

<sup>22</sup> *Hening's Statutes at Large of Virginia*, Vol. XI, p. 399.

<sup>23</sup> *Executive Journal, U. S. Senate*, 1789, p. 115.

<sup>24</sup> *Hening's Statutes at Large of Virginia*, Vol. XII, pp. 391, 401.

the first governor of the state. That sentence was in these words: "1000 hogsheads of Tobacco in the hands of one man will stand a much better chance for a good market than the same quantity in twenty hands at any market." The details of the plan devised by Wilkinson and Short and submitted to Colonel Shelby for his approbation are set forth in the above mentioned letter and a printed circular which accompanied it. The letter alone is here quoted: <sup>25</sup>

"Lexington, Decr. 19th, '89.

"Dear Sir:

"We enclose you certain propositions to the planters of this District, to which we beg your patronage;—this plan we humbly conceive is founded on principles of sound policy, as it tends to support the price and encourage the culture of the article it has in view, and we are persuaded it embraces the interest of individuals more immediately than any prospect, which does or can offer under the existing circumstances of our commerce.

"1000 Hods: of Tobo: in the hands of one man, will stand a much better chance for a good market than the same quantity in 20 hands at any market, and we know that the privileges & connexions of our J. Wilkinson will give us a decided advantage over any man, who will present himself at that City: (i. e. New Orleans).

"We do not look for any extraordinary advantage from the present scheme but we flatter ourselves we shall be able to make some small compensation for our trouble & that the satisfactory return we shall make to the shippers will secure the future confidence & custom of the planters. We expect that we shall be able to close this transaction & render the returns by the first day of Nov. next.

"We shall esteem it a particular favor if you will give such support & render such service to the enclosed proposition & subscription list as you may conceive compatible with your interest & that of your fellow citizens.

"Your name at the head of the list affsd. w'd not only tend greatly to promote the execution of the proposed scheme, but would be a mark of confidence very flattering to, Dear Sir,

"Your most obt. Servants,

"James Wilkinson,  
"Peyton Short."

Besides his independent ventures on his own account or those of himself and co-partners, Wilkinson took advantage of the privileges accorded immigrants by the Spanish authorities and sent tobacco by them to New Orleans, and, to insure their future co-operation, formed temporary business arrangements with them.<sup>26</sup> Yearly shipments were regularly made by Wilkinson until 1791, when he abandoned commercial life to re-enter the army.<sup>27</sup> In one of his last consignments, in 1791, the three boats were the Royal Oak, Dreadnaught and Union, and when loaded ready to descend the Kentucky River they contained respectively forty-one hogsheads, weighing 42,911 pounds net; thirty-nine hogsheads, weighing 38,890 pounds net, and forty hogsheads, weighing 40,241 pounds net.<sup>28</sup>

Among the first to follow Wilkinson's lead in shipping tobacco and other produce from Kentucky to New Orleans, was John Halley. He was a native of Fairfax County, Virginia, and came to Kentucky at a very early date, with the foremost of the pioneers. He settled at or near

<sup>25</sup> Shelby MSS., Durrett Collection, University of Chicago.

<sup>26</sup> Verhoeff, *The Kentucky River Navigation*, Appendix, pp. 226, 229.

<sup>27</sup> *Wilkinson's Memoirs*, Vol. II, p. 114.

<sup>28</sup> *How the Pioneers of the West Marketed Their Products, MS.*, by George D. Todd, 1903, in Filson Club Papers.



Boonesborough, and married Susan Anne Hart, a member of the noted Hart family of Kentucky. His younger brother, Henry Simpson Halley, (b. 18th May, 1762; d. 28th November, 1838), whose plantation in Fairfax County was known as "Pleasant Green," was the great-grandfather of Samuel H. Halley, of Lexington. John Halley is said to have opened one of the first merchandise stores, planted one of the first orchards, and was one of the very first among the pioneer settlers of Kentucky to ship tobacco by boat to New Orleans. It is also a well-grounded tradition that he shipped to England the first crop of tobacco exported to that country from Kentucky, and imported into Kentucky the first goods brought direct from England and France to the Blue Grass country. He was in France in 1792, during the Revolution then in progress.<sup>29</sup> A diary or journal kept by him of two of his trips from Boonesborough to New Orleans, one performed in 1789, the other in 1791, is still preserved in the Halley family.<sup>30</sup>

This expedition and its convoy of boats arrived at New Orleans on Friday, the 10th of June, 1791, six weeks after setting out from Boonesborough on the Kentucky River.

The warehouses established in the infancy of the Commonwealth are of especial interest in that they mark the introduction into Kentucky of a system of state inspection of commodities intended for foreign markets, which was continued for several decades after the separation from Virginia and was one of great importance to our early commerce.<sup>31</sup> The Kentucky legislature adopted the Virginia system in its entirety by an act approved December 18, 1792.<sup>32</sup> Between 1792 (the first year of the Commonwealth) and 1810, some forty-two public warehouses for the storage and inspection of tobacco were established at various points on the Kentucky River, by special acts of the Legislature.<sup>33</sup>

By an act of the Legislature of December 13, 1820,<sup>34</sup> all tobacco, to be inspected and passed, was required to be classed in one of three classes, to be denominated the first, second, and third class; the tobacco of each class to be "good, sound, merchantable, and clean of trash." Inspectors were required to break the bulk of each hogshead or cask in at least two places. This law further provided that "no inspector of tobacco shall engage or be concerned in the purchase of tobacco inspected at the warehouse of which he may be inspector, under the penalty of forfeiting his appointment."

Tobacco manufactories have been in operation in Louisville since 1819, and it is recorded<sup>35</sup> that the largest business in tobacco ever done in one day was transacted in Louisville on May 18, 1852, with a sale of 244 hogsheads, at \$1.80 to \$7.05 per hundred pounds, the higher figure being realized for "Mason County" tobacco. Ten years previously, tobacco raised in Mason had established a fine reputation in the New Orleans market for its superior quality.<sup>36</sup> On May 21, 1858, in the first leaf tobacco fair held in Cincinnati, premiums for the best "Mason County" leaf were awarded to exhibits from Mason, Bracken, and Nicholas counties. Two days before, at Louisville, an exhibition of Kentucky leaf tobacco was held under the auspices of the State Agricultural Society. One hundred and twenty-nine entries competed for the pre-

<sup>29</sup> *Colonial Families of the United States*, Vol. II, p. 303.

<sup>30</sup> Now owned by Dr. Samuel H. Halley, of Lexington, Kentucky, and extracts from it will be found in the last note to this chapter.

<sup>31</sup> Verhoeff, *The Kentucky River Navigation*, p. 73.

<sup>32</sup> *Littell's Laws*, Vol. I, p. 134, Chap. lviii.

<sup>33</sup> *Littell's Laws*, Vols. I, II, and III; Verhoeff, *The Kentucky River Navigation*, Appendix, pp. 231-232.

<sup>34</sup> *Littell & Swiger's Digest*, Vol. II, pp. 1212-1213; Session Acts, 1820-21, p.

117.

<sup>35</sup> Collins' *History of Kentucky* (1874), Vol. I, p. 65.

<sup>36</sup> Collins, *History of Kentucky* (1874), Vol. I, p. 49.

mium, and first and second certificates, in four classes, viz.: (1) cutting, (2) manufacturing, (3) shipping, and (4) cigar. The successful products were from Daviess, Bracken, Hart, Taylor, Christian, Green, and Mason counties.<sup>37</sup>

In 1859, the production of tobacco in Kentucky amounted to 108,126,840 pounds, and in that year, the combined production of Kentucky, Tennessee, and Ohio, states which did not figure scarcely at all in 1790, was 176,707,518 pounds. One-half of the total crop produced in the United States was exported in 1860, England still being the chief market, though Germany was a close second. The Southern leaf, as a rule, was used for pipe smoking, chewing, and for snuff. Cigar leaf was almost entirely confined to the Northern states. The South, in 1860, became and has remained to this day, the largest producer of tobacco in the world, and still supplies the principal markets in Europe.<sup>38</sup>

Under date of February 2, 1863, a letter written by Col. Laban J. Bradford, of Augusta, Kentucky, and published in the press, showed that Kentucky was then the largest tobacco-growing state in the Union.<sup>39</sup> In 1860, she produced 97,906,903 pounds, an increase of 42,405,707 pounds in ten years, the total for 1850 being only 55,501,196 pounds. The Louisville warehouses, in 1867, sold a little over 8,000 hogsheads, and, in 1861, about 29,500 hogsheads—one house alone selling more than the entire sales of Liverpool, England. On June 2, 1864, in spite of the fact that it was in the midst of war time, there was a State Tobacco Fair held at Louisville. Sales of tobacco at one warehouse, on that date, totaled \$82,474. One premium hogshead sold for \$4,630, being at the rate of \$4.90 per pound, and several others at prices ranging from \$1.50 to \$2.00 per pound.<sup>40</sup> On November 1st, of the same year, it was reported that 63,323 hogsheads of tobacco had been sold at the Louisville warehouses since November 1, 1863, an increase of 26,610 over the year previous.<sup>41</sup>

Following the Civil war, the increasing importance of tobacco culture in Kentucky is indicated by the fact that, on May 31, 1866, at the *National Tobacco Fair* at Louisville, the premiums awarded were very liberal, and premium hogshead sold at remarkably high prices, running from \$550 per one hundred pounds, for manufacturing leaf, to \$23 per hundred pounds for shipping leaf. Tobacco was still divided into the four classes of manufacturing, shipping, cutting, and cigar leaf, recognized at the Louisville Fair of 1858. The winning consignments came from Hart, Jefferson, Ballard, Christian, Owen, Mason, Bracken, and Barren counties.<sup>42</sup>

SAMUEL H. HALLEY.

[General note to chapter on "The Romance of Tobacco," containing extracts from Journal of John Halley.]

"27th April, 1791. Embarked for New Orleans at 10 o'clock from Boonsborough—took eighty hogsheads on board two boats at Different landings & arriv'd at the mouth of Kentucky at 8 o'clock on Thursday, the 1st day of May—220 miles. Lay there till 2 in the afternoon, a guard being kept at that place, about 28 men, militia, commanded by Capt. Thompson. Relieved every two months. Moved on about four in the afternoon. Discovered a canough [canoe] at a considerable distance, crossing the Ohio from the West side. Supposed it to have been ingeons

<sup>37</sup> *Ibid.*, Vol. I, p. 80.

<sup>38</sup> "Dixie Number" of *Tobacco*, Vol. LXIX, No. 21, March 25, 1920, published by Tobacco Trade Journal Company, New York.

<sup>39</sup> Collins' *History of Kentucky* (1874), Vol. I, pp. 118-119.

<sup>40</sup> Collins' *History of Kentucky* (1874), Vol. I, p. 134.

<sup>41</sup> *Ibid.*, Vol. I, p. 145.

<sup>42</sup> *Ibid.*, Vol. I, p. 172.

[Indians]. Put our guns in the best order for defense. As we sailed on, saw the canough run under some willow bushes, and were hailed by a white man. I suspected a Decoy, but told him to come on Board. He came in his canough & told us he was in great distress, that he was from Fort Pitt, 20 days, two of his comrades were taken by the ingeons & he had made his escape, & had lived on roots he had got on the river shore, called wild potatoes. But his countenance & Dress betrayed him. I told him I was convinced he was a Rogue liar & [had] deserted. After strict examination he confest he belonged to Capt. Smith's Company at the Falls. I kept him on board one of my boats that night. The 6 of May, at 2 in the afternoon, we landed in sight of the Falls [of] Ohio. Took the deserter across to the Garrison, delivered him to the commanding officer; got a certificate to the contractor's store for ten Dollars. I took it in whiskey & sugar for my Men. Lay there that night, the Ohio being low, with three other boats in company conducted by Mr. Wm. Majors. He got a pilot in the morning to conduct his boats over the Falls. Mr. Wilkerson came up, the 7th, in the morning & informed me my other two Boats were lying below the Falls in safety, waiting for my arrival. He informed me it was very dangerous crossing the Rapids in his opinion & wish'd me to get a pilot, & said the boat that went over last took in a considerable Quantity of water over the Bow. The pilot then started one of Major's boats & went over safe. Returned for another boat at 10 o'clock. I then took 10 hands on board one [of] my boats to row and steer, & Wilkerson & myself went as pilots on top of the boat. We were obliged to go through the big shoot of the Falls, where the water run for a considerable distance almost as high as the top of our Boat. It was enough to Damp the stoutest heart that was unacquainted with the Rapidity of water that may be passed over without damage. I arriv'd safe at the lower end of the Rapids to my other boats in about 1 hour. Returned for the other boat immediately. We had near 5 miles to walk on shore to the boat. Took Dinner & started; went over safe & our spirits not so much damp'd on account of the danger. Landed about four. Went up to Lewisville, in order to settle some business that night. Lodged at Capt. Patin's. Started early next morning to my boats; found all well, it being Sunday, the 8 day [of] May. Wrote several letters & sent back by Mr. Henderson. Moved on our voyage at 1 in the afternoon, with 4 boats, 159 hhds. Tobacco on board, 2000 Wt. Bacon & lard, 10 barrels flour, ingeon [Indian] meal, &ct. Left the three boats I mentioned conducted by Mr. Majors. Passed Salt River about 12 o'clock at night—25 miles. Had pleasant sailing. Monday, the 9, passed Flint Island at sunset—100 miles. Tues., the 10th, fine pleasant weather for the season. Wednesday, the 11th, passed Green River at 10 in the morning—100 miles. Passed several islands. The wind blew so high prevented our sailing this evening. Put to on the west side. At 2 in the afternoon, moved on. Thursday, the 12, at Daybreak, passed a town newly settled on the East side by Wm. B. Smith, at 7 in the morning, 20 miles below Green River, about 25 men in number inhabitants. About 10 at night we had heavy storm of wind & rain. Put to on the West side in sight of the Waughbash island. Got very wet crossing, having a head wind. The wind continued, Friday, the 13th, till 4 in the afternoon. Moved on till 6. Put to opposite the mouth of Waughbash river, on the island—100 miles. Moved on at 8 at night. 14th, Saturday, had pleasant sailing today. Passed the Big Rock & Cave on the west side at 9 o'clock in the morning—45 miles—passed Cumberland River 2 o'clock at night—100 miles. 15th, Sunday morning, 7 o'clock, passed the Tennacee River on the East side, 12 [o'clock]. Put to at 3 o'clock at night in sight of the Mississippi. Lay till daybreak. Monday morning, 16, moved on, entered the Mississippi at sunrise—45

miles. The river was low but very muddy. Passed the Iron Banks on the East side at 10;—15 miles from the mouth [of] Ohio. Passed a great number of Island & sand bars. Put to after sunset at the lower end of an island on the East side, 10 miles above Lancelegress [Lance la Grace] town. Caught a fine fish tonight. Moved on at daylight, Tuesday, the 17th. Landed at Lancelegress at 9 in the morning. At 10 went up to the garrison to see the governor. He required a bill of lading of the Number of men on board & their names. I made out a bill. He signed his name as a pass to the next garrison. Made him a present of 2 bacon hams, which he accepted. After conversing some time with the Governor, went to by boats in order to move off at 2 o'clock, but was detained till 4, my men being scattered through the town and prairies to see the ingenons. Collected them together with much difficulty; moved on ten miles. Put to on a small island on the west side in a fine eddy.

"20th, Sunday, moved on at daybreak. Passed Yazoo river at 5 in the afternoon on the East side. Put to at 7 on the west side, just above the Walnut Hills, 9 miles below the Yazoo, on the East side. At the Walnut Hills is a town lately settled by the Spaniards. 30, Monday morning, at daybreak, heard the centinals proclaim 'All's Well' shorting after the Drum beat, by which I perceived regular order was kept up. I then got in a canough [canoe] with one of my men, left my boats & went down to the Garrison. I was conducted by one of the guard to the Commandant. He called for an interpreter. After asking me some Questions, where I was from & what was my loding, &ct., I produced My pass from Laslegres [Lance la Grace]. He then asked me to walk with him to his office, & with a great deal of complaisance handed me a chair to sit down. He then asked me what news from Kentucky, & What had become of Doctor O'Fallon & Company, and whether he was coming down to settle at that place. I told him he had declined it this season. After some time Mr. Commandant Walked with me and showed me his artillery, among which was a 24 pounder. He pointed to it and said it was Bone For Doctor O'Fallon. There *was* 9 or 10 twelve pounders and a number of Swivels. Took breakfast with the Com. & his Lady. He then wrote to the Governor of Natches, signed my pass, & requested the favour of giving his compliments to the Governor of Natches & Orleans. I then took my leave & moved on my boats at 9 o'clock.

\* \* \* \* \*

"1st June, Wednesday morning, moved on at Daybreak. Passed one Island, & landed at Natches at 9 in the morning.—Went up to the garrison, was informed that Governor Gioza [Gayoso] was from home. I then walked out about 1½ miles into the country to see Mr. Granprey [Grand Pre], commander-in-chief at the garrison of Natches. He informed me the Governor was expected back from Cole's Creek on Thursday evening or Friday morning. I waited with a great deal of impatience for his return, being a good deal unwell, I heard of his arrival about 10 o'clock Friday morning. Walked up to his house immediately, about 1 mile from the landing. Was conducted into a room where his publick office is kept. Was asked to sit down. His Excellency came in in a few minutes. After some compliments passed, I presented by Passport, from Lancelegress [Lance la Grace], & after looking over it a few minutes, [he] asking me respecting my loading, & what news from Kentucky, &ct., and told me my business should be Done as quick as possible, & Requested I would stay and take Pot luck with him that evening, to which I consented. I then walked down to town with one of his young men, to get a certificate signed by the Quarter Master on the treasury at Orleans, for some bacon hams I had sold the Commandant at the Walnut Hills. Returned at one o'clock. The young men hastened to have my business done before Dinner, but did not complete it. Dinner came

in at 2. His Excellency asked me to sit to dinner with him, with five other gentlemen, French & Spaniards. He ordered a chair for me on his left hand, & treated me with a great deal of complaisance in a plain, polite manner. He was said to be a real Spaniard, but educated in England. I think him to be as Clever a gentleman as I was ever acquainted with. After eating a very fine Dinner, & Drinking as much wine as necessary, I spoke to his Excellency respecting some business I wished to have done. He immediately called one of his young men, & ordered it done. It was dispatched as quick as possible. His Excellency had his carriage ready to ride out that evening; wished me success on my voyage. I thanked him, wishing his Excellency every enjoyment. I then returned to my Boats about 5 in the afternoon in order to move off but a thunder cloud came up and prevented my sailing. Moved off at 2 o'clock at night. —4th June, Saturday, passed Owachitta [Ouachita] River about 10 in [the] morning.

"6th Monday, passed Thompson's creek on the East side at sunrise, Just below s'd. creek some high Bluffs on the east side. Put to at Bat-tinroos [Baton Rouge] garrison at 12. Lay there till 1. The Commandant's name is Vahanmond. He treated me with a great deal of complaisance—asked me to stay [to] dinner. I begged to be excused. Took a glass of punch with him & moved off at 1. Passed Monshack garrison at 4. It was a very strong current & smart breeze of wind, so that the Boats could not conveniently land. I went ashore in a canoe. The commandant was from home. I shewed the Sergeant my passport. He said it was very good, and told me to return to my Boats. I moved on, came up with them in a few minutes."

## CHAPTER LXXVIII

### THE GROWTH AND CULTURE OF TOBACCO IN KENTUCKY

The world's production of tobacco in 1920 was 2,500,000,000 pounds. Of this amount the United States grew 1,500,000,000 pounds. The total farm value of this crop was \$350,000,000, and while this total was not much more than one-third that of the great cotton crop, it compared very favorably with that staple in industrial value.

In the year 1920 the total production from 550,000 acres in Kentucky was, in round numbers, 475,000,000 pounds; one-third of the total production in the United States and almost one-fifth of the production in the entire world.

The production, handling, manufacturing and exporting of tobacco and tobacco products is Kentucky's chief industry and it affects, directly and indirectly, a very large proportion of its people. It not only furnishes employment to thousands of its citizens, but, furnishes in revenue to the United States Government over one hundred million dollars yearly, and produces for export a very large percentage of the United States trade, which, before the war, averaged around four hundred and fifty million pounds of raw leaf.<sup>1</sup>

Figures, as Dr. Selwyn Brown has so well said, do not properly emphasize the real importance of our tobacco industries. These have reached such a high degree of efficiency and excellence that they set the standards of the world. We have the most highly intensive methods of tobacco growing and curing, the most modern plants for the marketing, warehousing, redrying, and manufacturing purposes, and our packing, storing and exporting systems are unequaled by any other country.

All these advantages combine to make the tobacco industries of the United States, and very especially of Kentucky the chief producing state, lead the world in production, selling, manufacturing, and distributing methods.

The persistent tendency of tobacco to encroach on new and better lands is illustrated by its spread in Kentucky. For fully 100 years after the first settlement of the state, tobacco culture had made but slight inroads upon the so-called Blue Grass section of Kentucky.

For many years, hemp, the pride and cash crop of this famous region, far exceeded tobacco both in acreage and value. Today the conditions are reversed and tobacco is king.

For a period of 300 years tobacco has been cultivated on the most fertile fields of Virginia, Maryland, the Carolinas, Kentucky and Tennessee and yet in all this period the planters are just now being awakened to the fact that they have been improvidently wasting their natural fertile resources with no intelligent cooperative action to insure a stable return or fair profit for the fertility of their soil, which is rapidly being exhausted.

No traveller can witness the eroded fields of the older tobacco section of Virginia without bearing witness to the fact that this product takes heavy tribute, nor pass in review the rolling hills of all Northern Kentucky—washed and gullied—the top soil deposited in the Mississippi

<sup>1</sup> *Tobacco*, Vol. LXXIII, No. 1, Article by Arthur S. Brown.

delta,—without reaching the conclusion that long ago the producers of so valuable a product as tobacco, should have taken counsel together whereby they would have received not only a fair price for their product but compensation for their depleting principal.

There are two distinct types of tobacco grown in Kentucky. One is "Burley," probably the most famous and most useful type of tobacco grown anywhere in the world. The other is what is generally termed "dark" or "dark-fired" tobacco.

The dark or dark-fired type was introduced from Virginia where it was grown in the early days and for which the Colonists had a strong foreign demand, most of it going to England, France and Germany.

The soil of Southern, Southwestern and Western Kentucky is especially adapted to this type of tobacco and its production has increased so rapidly that by 1920 two-thirds of this type of tobacco produced in the United States, or nearly 200,000,000 pounds, was grown in Kentucky and a few adjoining counties of Tennessee.

In Kentucky this general type of tobacco has developed into five distinctive classes, all more or less alike in general character, but differing in shades of color, body, size, and other characteristics, determined by the varying soils in different localities. As a type this tobacco is heavy bodied and much darker in color, the leaves varying from olive green to dark brown or black. It also produces a heavy yield sometimes running as high as 2,000 pounds to the acre. An excellent quality of dark tobacco is produced in what is known as the Hopkinsville District in Southern Kentucky, which district is composed of Christian, Trigg, Todd, Logan and portions of Marshall, Caldwell, and Muhlenburg counties. The annual production reaches a total of close to 50,000,000 pounds.

West of the Hopkinsville District is the Paducah District composed of McCracken, Graves, Calloway, and portions of Ballard, Carlisle, Hickman and Fulton counties.

The Paducah District, with its deep red sub-soil, produces a type of tobacco very similar to that of Hopkinsville and its production is somewhat larger, sometimes reaching a total as high as 75,000,000.

The Henderson District is known as "The Stemming District," so-called because this tobacco, practically all exported to European countries, is stemmed before packing thereby saving export shipping duty and expense. This tobacco has also what is called a high absorbent quality making it a further favorite for export because of the amount of sugar or other ingredients it will take up and thereby increase its weight.

The normal production of the Ohio Valley District, composed of the counties of Henderson, Union, Crittenden, Livingston, Webster, Hopkins and Caldwell, is 40,000,000 pounds.

The Green River District, so-called because the particular type is grown in the counties of Daviess, Ohio, Hancock, Breckinridge, Grayson and McLean, lying tributary to the waters of the Green, produces a type similar in many ways to that of the Henderson district type, heavy bodies, long oily leaves and very precious to the taste of foreign peoples. Certain grades of the dark lugs have a domestic demand in the manufacture of snuff.

All these four types of dark tobacco are cured in tight barns with furnaces or open fires from hardwood. The heat and smoke is modified to meet certain conditions or demand.

The remaining type of dark tobacco is called the "One Sucker." This tobacco, unlike the other types, is air cured like Burley. It is produced in the Southern Kentucky counties of Edmonson, Warren, Butler, Grayson, Allen, Monroe, Larue, Taylor and portions of Simpson, Logan, Hart and Barren.

The average production in the one sucker district is about twenty million pounds.

All these five types of dark, or dark-fired, tobacco have long been in great demand in foreign countries. Before the World war fully 75 per cent of it was exported to Great Britain, France, Holland, Spain, Italy, Germany, Austria, Africa, Australia and the Scandinavian Countries. As an article of foreign commerce the 200,000,000 pounds of dark Kentucky tobacco formed a very important item.

Nearly all of the dark tobacco has been sold for years on the loose-leaf markets, a system to which later reference will be made, and on the Louisville hogshead market, and, as the greater part of it is purchased for foreign countries, all the great export buyers are represented on the principal markets, which are located at Henderson, Paducah, Mayfield, Hopkinsville, Owensboro, Madisonville and Bowling Green.

Kentucky, which has laid just claim to the origin of so many famous men, famous products and blooded animals within her border, cannot, unfortunately, receive credit for the origin of white Burley tobacco,—a world-wide staple,—though the state now practically controls its production, due to peculiar climatic and soil conditions. Owing to the mellowness of Burley, its color, its absorbent and keeping qualities, this type now commands throughout the world the leading position of all types of tobacco, in the demand which has been created for its manufactured forms in famous brands of cigarettes, plug and smoking tobaccos.<sup>2</sup>

White Burley tobacco was discovered in the year 1868 in Brown County, Ohio, just across the Ohio River from the picturesque County of Mason, by Mr. George Webb. Mr. Webb had procured his seed from the Government, and when his plants were nearing maturity, he noticed several which were a lighter green in color, the stalks and ribs of which were almost white. They were so different in appearance from the other plants that Mr. Webb carefully preserved the seed. In a crop grown from this seed the following year he discovered that the leaves were much smoother and brighter in appearance, and that, when cured, they had a milder flavor.<sup>3</sup>

<sup>2</sup> *Tobacco*, Vol. 69, No. 2. Article by H. Woosley and C. A. Mahane.

<sup>3</sup> This discovery is also attributed to a gentleman by the name of Ellis, of Brown County, Ohio. In reply to his inquiry Mr. Halley received the following letter from Mr. Ellis:

RIPLEY OHIO MCH 6TH 1922

Mr. Samuel H. Halley  
Lexington Ky

Dear Sir—

Your letter of few days ago received and after some inquiry, I obtained just today, from Mr. Wm. Barkley, son of Geo. Barkley mentioned in article, a copy of article written some time ago and which I consider very authentic as to origin of white Burley tobacco. As to the names "Burley" it has always been used, even when they grew the black tobacco. It being of large growth and rough would suggest the name of Burley. I am enclosing copy of article given me by Mr. Barkley and trust it will be of some help to you in making up your history. With kindest regards I am

Yours &c  
O C ELLIS

The account secured by Mr. Ellis and forwarded to Mr. Halley is here given:  
Origin of Burley Tobacco from Article Received from Mr. O. C. Ellis.

In 1867 Geo. Webb and Joseph Fore were tenants on the farm of Captain Fred Kautz, which lies back of Higgensport, in Brown County, Ohio.

Having run short of plants at setting time Mr. Fore crossed the Ohio River to the farm of Geo. Barkley, in Bracken County, Ky., where he obtained enough plants to finish planting their crop. From these plants sprang a half dozen stalks which were notable for their light color and fine texture, and the seed was saved from these plants. From this seed a bed was sown on the Sam'l Ellis farm the following spring and the first planting of about one acre was grown.

On curing, the yield proved of such high color compared to the old styles of Burley that the seed saved sold for \$5.00 per teaspoonful. Amos F. Ellis offered the first seed for sale while Capt. James Hite took the first hogshead of the new growth



Thus a new grade of Burley, originating from what may be called "sport" plants, was born, and so rapidly did its production in the surrounding country increase that it soon eliminated all other types. In a short while it invaded Kentucky, crossing the Ohio River into the rolling, fertile uplands of Mason, Bracken, Pendleton and Carroll counties and thence, by steady strides, southward to the high plateau in Central Kentucky known the world over as the famous Blue Grass Region. This fertile section is underlaid with limestone and phosphate rock, and here, from the blue grass sod and virgin soil of this favored region, have been produced the finest types of Burley, especially for smoking purposes.

The following counties in Kentucky compose the white Burley Belt, and produce annually about two hundred million pounds: Carroll, Campbell, Mason, Bracken, Robertson, Pendleton, Lewis, Greenup, Owen, Henry, Oldham, Trimble, Grant, Gallatin, Harrison, Nicholas, Fleming,



FIELD OF TOBACCO, SHOWING TOBACCO CULTURE IN FAYETTE COUNTY, NEAR LEXINGTON

Carter, Rowan, Bath, Bourbon, Scott, Franklin, Shelby, Spencer, Anderson, Woodford, Fayette, Montgomery, Clark, Jessamine, Madison, Garrard, Mercer, Washington, Nelson, Boyle, Marion, Lincoln, Casey, Bullitt, Hardin, Meade, Green, Hart, Jefferson, Barren and Metcalfe.

Prior to the year 1890 Burley tobacco was marketed in the great hogshead markets of Louisville and Cincinnati, the former at that period having established its prestige of being the leading tobacco market of the world. About 1890 the American Tobacco and its allied companies began buying direct from the planters. These buyers established a receiving point at each county seat and paid for the tobacco from wagons without warehouse charges.

From 1900 to 1905 the prices became so low that great discontent arose among the producers and the following year there was inaugurated the first great concerted action among farmers to pool their holdings

to the Cincinnati market. The introduction of the new celery goods gave rise to the fine cut manufacturing interests, and Dr. T. R. Spence, of Cincinnati, was the first large cutter to appreciate its value.

and control prices.<sup>4</sup> The period of the first burley pool was the occasion of much lawlessness in the Burley District, and, in some instances the power of the state had to be invoked to prevent loss of life and property.

This period was a revolutionary one in many respects for Burley Tobacco, for in the first year that the first pool was formed, in 1906, there was developed by a few men a brighter, lighter type of Burley, suitable for the manufacture of fine smoking tobaccos. This smoking type, lighter in yield, but thinner and much brighter in color, rapidly supplanted the older, heavier types, because of the higher prices paid for this variety. Some of the greatest manufacturers of the United States quickly took advantage of this new type of Burley to manufacture it into fine smoking tobaccos and cigarettes, the names of whose brands have become rapidly famous throughout the civilized world.

Also in 1906, there was opened in Lexington the first loose-leaf sales warehouse ever established in Kentucky, by Mr. Charles Bohmer, of Virginia. This method of selling tobacco, in the loose leaf form, had long been in vogue in the older tobacco growing states of Virginia and the Carolinas. The new system was so easy and so simple that the Kentucky farmers, always conservative about making a change, tried it out cautiously and by degrees. The more they tried it, the better satisfied they became that it was a step forward over the old hogshead prizing method, long in vogue, and its development was so rapid, so popular and so contagious that by the season of 1919-20, when tobacco prices reached the high peak owing to the World war and its accompanying increased demand for tobacco products, there had sprung up in a little more than one decade throughout the Burley Belt thirty-odd different Burley markets and more than 100 loose-leaf sales warehouses, nearly all of which were modern brick buildings, owned and managed by producers of tobacco.

Lexington and Maysville had the two largest markets. At Lexington in 1920 there were eighteen large, modern, well equipped sales warehouses with a floor capacity of 7,000,000 pounds and a daily sales capacity of 1,500,000 pounds. There were established at the same point eight large re-drying plants with sufficient capacity to put all the tobacco sold immediately into secure keeping order. The receiving plants and storage houses at Lexington were sufficient to properly take care of 100,000,000 pounds.

The Maysville market, almost as large as that of Lexington, and proportionately as well equipped, sold annually for the Northern Burley Belt from 25,000,000 to 40,000,000 pounds. Other markets at Carrollton, Paris, Shelbyville, Cynthiana, Mt. Sterling, Richmond, Danville, Winchester, Lancaster, Eminence, Harrodsburg, Carlisle, Frankfort, Springfield, Horse Cave, Glasgow, Labanon, Flemingsburg, Augusta, Falmouth and many other places in Kentucky, were all similarly equipped to take care of Kentucky's chief product.

At these markets during each sales season, December 1st to April 1st, gathered from the four quarters of the earth buyers for every type of Burley produced.

During the marketing season of 1919-20, when tobacco prices were the highest the producers had ever known, there was sold at Lexington 63,392,656 pounds of Burley for a total of \$29,392,449 or at a grand general average price of \$46.17 per hundred pounds.

It was not unusual during this period, for an acre of ground to produce gross value of \$1,000 or more, and it was during this sales season that the highest priced tobacco crop of record anywhere, which had been produced without cover, was sold on the Lexington market. It was

<sup>4</sup> One of the leading spirits in this movement was Clarence De Bus, of Cynthiana. See sketch elsewhere.

raised by Mr. Webb Offutt, a planter of Scott County, the son of Capt. W. N. Offutt, a distinguished soldier in the Confederate army, who raised the first crop of Burley, in the year 1878, ever grown in the Blue Grass country.

The Webb Offutt crop, loaded on one wagon, contained 3,850 pounds and brought the record breaking average price of \$116.57 per hundred pounds or a total of \$4,486.94. If he had received his money in silver dollars, the horses which delivered his tobacco would have been fairly well loaded on returning home.

The 1919-20 crop of Kentucky Burley returned to the producers nearly \$80,000,000 in cash, almost as much money as all the gold mined in the United States during that year, and five times as much as the famous Cripple Creek district produced in its bonanza year.

Some of the natural consequences of the great and rapid inflation of the price of this commodity followed. Many of the tobacco growers who had been tenants, and whose earnings on their share of the 1919-20 crop had been so unexpectedly large, saw the vision of owning their own homes and consequently purchased land at high prices, paying a small portion, rarely exceeding one-third, of the purchase price in cash, executing notes secured by lien on the land for the remainder. Prices of land under this eager buying steadily advanced until \$500 per acre was considered nothing unusual. Merchant's sales, especially of articles of luxury, reflected the prosperity of the farmers, and the future seemed to promise greater profits to nearly all classes in the Burley District who freely shared in the opulence and plenty created by such conditions.

The rentals of land had soared in prices; farm wages had gone up in keeping with labor prices in all other industries; taxes had doubled and trebled and everything that went into the production of a crop of tobacco, labor, utensils, fertilizer, tobacco sticks, and barns had advanced in keeping with the prices paid for the last crop. The year 1920 witnessed a great increase in the production of tobacco in the Carolinas and Virginia, states where the market opened earlier than the Kentucky market, a consequence perfectly natural under the unprecedented demand of the previous year for the raw product and absolutely unavoidable in the face of the unorganized condition of the producers. Kentucky tried to increase its production but failed because of the light yield per acre resulting from the long rainy season at harvesting time. The result in the Burley District therefore, was a crop grown under the greatest difficulties and at enormous expense, damaged by the unfavorable season, and making a lighter yield per acre than the Burley planters had ever known. 1920 had a great reversion. The opening of the Burley markets for the sale of this crop was postponed from December 1st to January 3rd, 1921, owing to the solicitations of all the large manufacturers who were struggling with the overproduction in Virginia and the Carolinas, and who had been acquainted with the fact that Kentucky Burley production, in spite of the effort to increase, was not above normal.

The market at Lexington opened January 3rd, on all the other markets the following day. On the morning of the second day they were simultaneously closed all over the district by crowds of outraged and angry planters.

Dark clouds began to hang over the Burley Belt. A complete wiping out of the savings of thousands, the loss of homes and the crippling of thousands of others, presented the gloomiest outlook ever faced by the tobacco growers, and augmented an already widespread economic distress throughout the state. Only by the calm, quick, courageous action of the leaders in the tobacco trade was violence averted.

Representatives of all the leading manufacturers were called in conference. It developed at this meeting that millions of pounds of the crop

to be sold was so common, so inferior it could not be used at any price. The committee was brought face to face with the fact that the foreign demand, which in the years before the war had absorbed such a large percentage of the low grades, was broken down by the lack of funds and demoralized rates of exchange.

The markets were re-opened after a suspension of two weeks and the crop, a normal one in pounds, was marketed in the loose leaf manner at an average price of a little more than 13 cents per pound, about one-half the cost of actual production, one-third the average price of the year before, and in actuality, counting the light yield per acre, not more than one-fifth of the net return per acre of the previous crop.

Millions of pounds were "sold" over the loose leaf floors at 1 cent per pound, the better grades selling at pre-war prices, all of which meant ruin to thousands and thousands of farmers, large and small. Careful economists have calculated that the Burley planters alone lost in actual cash put into the production of this crop \$35,000,000.

One rather extreme example of this economic distress may be mentioned. A prominent woman of Fayette County, known for her business ability and active church work, was found stamping down the warehouse floor, cursing at every breath, because her share in a load of tobacco just sold amounted to \$2.75, when a similar share the year before had brought \$325.

That something must be done to save the growers from ruin became evident. Some other system of marketing must be found whereby the producer of so valuable and so expensive a crop should not be left a prey to chance. An effort must be made through organization or otherwise, to stabilize the business and avoid, if possible, inflation of prices, with its tendencies to overproduction, just as zealously as extreme depression with its crippling consequences not only to the tobacco producers themselves, but to the banks and business interests dependent upon this industry.

Judge Robert Worth Bingham, of Louisville, the owner of the *Courier Journal* and the *Louisville Times*, had recently traveled through the rural districts in the vicinity of San Francisco and down the coast to Los Angeles. Impressed with the evidences of rural prosperity, he ascertained that the cooperative idea of marketing was the cause. In January, 1921, when the Kentucky Burley market opened at distressingly low prices, and, when the closing of the warehouses to give time for deliberation and calm counsel alone prevented disorder, and perhaps bloodshed, Judge Bingham decided that the time and opportunity for trying the cooperative marketing plan in Kentucky had arrived. A Burley Tobacco Growers Association composed of many members, though perhaps only a small portion of the total number of growers of Burley tobacco, already existed, and its president, John W. Newman, of Woodford County, Kentucky, was called into consultation. He warmly favored Judge Bingham's suggestion of a preliminary conference on the cooperative plan with Bernard M. Baruch, former chairman of the War Industries Board; and for that conference in New York City, Judge Bingham selected as delegates Ralph M. Barker of Carrollton, Samuel H. Halley of Lexington, and Mr. Newman. Mr. Arthur Krock, the editor of the *Louisville Times*, attended the conference as Judge Bingham's personal representative, and Mr. J. C. Cantrill, Congressman from the Ashland District, was asked to meet the committee in New York.

The cooperative marketing plan was not new, but it was unfamiliar to Kentuckians.

In Denmark, in Germany, in France, in Italy, and in parts of Ireland it had long been used and developed to a high degree of perfection. In America the movement had spread well only on the Pacific Coast, and principally in California.

In conference with a committee appointed by Judge Bingham, Mr. Barney Baruch suggested the adoption of the California cooperative marketing plan as a method financially, legally and economically sound for handling the Burley tobacco crop, as a result of numerous conferences. Aaron Sapiro, of California, counsel for a number of cooperative associations, in an address of two days explained the systems in use in California and set forth with great clearness a plan for the organization, financing, and management of an association for marketing Burley tobacco. Those present unanimously endorsed the plan proposed by Mr. Sapiro, and Judge Bingham was requested to appoint an organization committee and likewise an executive committee, of which he should be chairman. The other members of the executive committee named by Judge Bingham were James C. Stone, of Lexington, Ralph M. Barker,



LEFT TO RIGHT: RALPH M. BARKER, DIRECTOR OF WAREHOUSES OF THE ASSOCIATION; JAMES C. STONE, PRESIDENT; ROBERT E. BEATTY, WAREHOUSE MANAGER FOR LEXINGTON, ON INSPECTION  
TOUR OF LEXINGTON RECEIVING PLANTS

of Carrollton, William E. Simms, of Spring Station, and John T. Collins, of Paris. Mr. Collins having died shortly after his appointment, J. N. Kehoe, of Maysville, was chosen in his place. Mr. Sapiro was retained by Judge Bingham to make a number of addresses throughout the Burley District, and on his recommendation, Judge Bingham employed Joseph Passoneau of Spokane, organizer of the grain growers, to act as chief organizer of the Burley Cooperative Association.

A campaign of education ensued. Numerous meetings were addressed by able men who had been convinced that the economic redemption of the agricultural situation in the Burley Tobacco Belt depended upon the adoption of this plan. The bankers of the state, unanimously approved the plan and urged the farmers to adopt it. A compact, close organization was formed and a systematic canvass was made for members. The goal was to secure, prior to November 15, 1921, the pledge of 75 per cent of the Burley tobacco acreage of Kentucky, Ohio, Indiana, and West Virginia, grown in 1920, under contracts that would consign

all tobacco grown for a period of five years to the association for handling and sale, and in the event the necessary acreage was secured prior to November 15, 1921, to permit the association to market the 1921 crop. In spite of all doubts and obstacles, the campaign went on with a fervor and enthusiasm which has had few parallels in the history of the state. "To join or not to join," was the question for several months in the Burley District of the state. It was discussed at social gatherings, in the courthouses, in the county-seat, in schoolhouses, at the cross-roads,— wherever people came together. All appeals of the proponents of the plan were addressed to reason, to self-interest, to patriotism; all suggestions of coercion, of intimidation, of lawlessness were unsparingly denounced. All persons were told that they had just as much right to be against the organization of the association as in favor of it, and that their judgment and patriotism should direct their choice. By such tactics the farmers who, on account of their isolation and perhaps also by reason of the fact that they have been so often exploited by designing persons, were inclined to be suspicious of the motives of one who was thus spending his time and money in their interest, were convinced of the absolute sincerity and disinterestedness of Judge Bingham's efforts in their behalf; that the plan had not been conceived by the warehousemen as a scheme to enable them to sell their real estate to the association at a high price. By the 15th day of November, 1921, the necessary number of contracts had been secured, and the Organization Committee announced that the association would be formed.

Thus was born an association composed of more than 57,000 members producing a crop whose value in money each year will approximate, if it does not exceed, \$50,000,000, for always bear in mind that tobacco is the great cash crop of Kentucky. Those who believed in it had said that it would not only stabilize the price of tobacco and enable the growers to obtain for their product the cost of its production and a reasonable profit year after year, but that, transmuted into terms of human happiness, it would mean better roads, better schools, happier homes, more of the comforts and blessings of modern civilization for the growers of tobacco. In short, that it would elevate the standard of living from the level of 1890 to what might reasonably be expected in 1920. It was this conception of the meaning of the movement that attracted Judge Bingham in the first instance and that drew to it many who were not interested directly in the prices of tobacco.

Many details remained to be worked out before the association could begin operations. The incorporation of the association, the enactment by the Kentucky Legislature of a law setting forth the powers, duties and privileges of such associations were necessary prerequisites, but these were speedily accomplished.

The banks of Louisville had pledged to lend the association over a million dollars as a "revolving fund" to advance to grower-members, and similar action was contemplated by Cincinnati banks, when doubt was expressed concerning the constitutionality of the marketing act which had been drawn by Mr. Sapiro as counsel for the association, and which had been enacted into law by the unanimous vote of both the Senate and House of Representatives within the first five working days of the session of the Legislature and by the immediate approval of the governor. Thereupon a general bankers' meeting was held in Lexington early in January, and to this meeting Judge Bingham read a letter from James B. Brown, president of the National Bank of Kentucky, largest in the state, offering to lend the association his bank's limit of \$500,000 and to rediscount for other banks \$1,500,000 of the association's paper, in addition. A similar offer was made by Monte J. Goble, vice president of the Fifth-third National Bank of Cincinnati, Ohio, and a Kentuckian

by birth. Judge Bingham personally offered to lend \$1,000,000. This swept all doubts away; the banks throughout the Burley District agreed to lend their limit to the association; many individuals pledged large loans; and the association was thereby assured of ample funds for the period between the time the tobacco was received from the growers and the preparation of it for market, in the redried hogshead form on which could be issued bankable warehouse receipts. Arrangements had previously been made by a committee headed by Judge Bingham with the War Finance Corporation for a loan of \$10,000,000 after the warehousing of the tobacco.

This loan, however, has not been found to be necessary. Shortly after the opening of the market, in January, 1922, sales were made of large quantities of tobacco in loose-leaf or winter order. With the proceeds of these sales, should no other be immediately made, loans procured from the banks throughout the district will be liquidated and there will remain a sufficient amount of cash with which to defray the expenses of handling the crop and making advances on that portion of the crop which has not yet been delivered to the association.

Thus, within a period of a few months, the Burley Tobacco Growers Cooperative Association had grown from the Thought of 1920 and the Decision of 1921, to the Fact of 1922. Overnight, under the plan recommended by Aaron Sapiro, without one cent of paid in capital stock, it had acquired scores of warehouses in the several states comprised within the Burley District, and was receiving, grading, redrying and storing tobacco. Some of the largest manufacturers of the Burley tobacco in the world soon began purchasing large quantities from the association, thus insuring its success and inaugurating in one season a new and entirely radical departure from the old and ruinous methods which hitherto prevailed, and substituting a new which promises a sure and adequate return to the tobacco growers of Kentucky, something they have not enjoyed in the history of tobacco production in the state. The association is functioning well in all its departments, and is running with a smoothness which would be creditable to its officers after a period of years instead of the few months which have elapsed since it was first planned. For five more years its contracts with growers assure the continuance of this method of marketing, which, if its success continued, will surely result in the permanency of the plan. And its success depends upon the character and ability of the management, for the plan has been demonstrated to be sound, feasible, and desirable.

The present officers and directors of the association are:

James C. Stone, Lexington, Kentucky, president.

James N. Kehoe, Maysville, Kentucky, first vice president.

Bush W. Allin, Harrodsburg, Kentucky, second vice president.

H. Lee Earley, Louisville, Kentucky, secretary-treasurer.

Ralph W. Barker, director of all warehouses.

W. C. McDowell, director of redryers.

Samuel H. Halley, director of storage.

Directors Burley Tobacco Growers Cooperative Association:

District No. 1.—James C. Stone, Lexington, Kentucky.

District No. 2.—Samuel Clay, Paris, Kentucky.

District No. 2.—Clifford L. Walters, Shelbyville, Kentucky.

District No. 2.—James N. Kehoe, Maysville, Kentucky.

District No. 5.—Frank V. Nunnelley, Georgetown, Kentucky.

District No. 6.—O. C. Ellis, Ripley, Ohio.

District No. 7.—Everett McClure, Aurora, Indiana.

District No. 8.—John B. Winn, Versailles, Kentucky.

District No. 9.—P. B. Gaines, Carrollton, Kentucky.

District No. 10.—H. K. Bourne, New Castle, Kentucky.

- District No. 11.—Dawson Chambers, Walton, R. F. D. 1.  
District No. 12.—Rev. J. R. Jones, Cynthiana, Kentucky.  
District No. 13.—Carroll D. Asbury, Augusta, Kentucky.  
District No. 14.—Ben T. Wright, Mount Sterling, Kentucky.  
District No. 15.—J. H. Sousley, Flemingsburg, Kentucky.  
District No. 16.—William H. Shanks, Stanford, Kentucky.  
District No. 17.—Bush W. Allin, Harrodsburg, Kentucky.  
District No. 18.—Judge I. H. Thurman, Springfield, Kentucky.  
District No. 19.—Thompson S. Burnam, Richmond, Kentucky.  
District No. 20.—E. T. Holloway, Taylorsville, Kentucky.  
District No. 21.—J. D. Craddock, Munfordville, Kentucky.  
District No. 22.—Robert Pendleton Taylor, Winchester, Kentucky.  
Directors At Large: Judge Robert W. Bingham, Louisville, Kentucky; M. L. Kirkpatrick, Cincinnati, Ohio; Martin L. Harris, Rising Sun, Indiana. (Latter two pro-tem.)  
Executive Committee: Mr. Stone, Mr. Kehoe, Mr. Allin, Mr. Winn, and Judge Bingham.

New hope has sprung up in the hearts of Kentucky farmers, Kentucky bankers, Kentucky merchants, Kentucky men and women of all classes and conditions, by reason of the organization and what promises to be the successful operation of this association.

SAMUEL H. HALLEY.



## CHAPTER LXXIX

### EARLY TAVERNS AND TRAVELERS IN CENTRAL KENTUCKY

[EDITOR'S NOTE.—This paper was prepared by Mrs. Lafferty, after a vast amount of research work, for the Filson Club, of Louisville, whose lofty purpose is the preservation of the annals of a Kentucky that is gone. On February 4, of the present year, the paper was read by Mrs. Lafferty before the Filson Club, where it was enthusiastically received as an important addition to the priceless collection of papers and documents already entrusted to its care, and it will be preserved in the archives of that organization.]

Civilization chronicles no greater strides in the march of progress than in the transportation of the traveler and the evolution of the hostleries in which he has been housed.

It is a far cry from the little log tavern of pioneer days to the palatial fire-proof sky-scraper known as the modern hotel, and it takes a vivid imagination to picture the rambling old inn that stood by the roadside and played such an important part in the settlement of Kentucky.

It was a landmark from which distances were computed, and the weary traveler, recognizing its name a long way off, from the picture on its creaking sign, of the Green Tree, perhaps, or the Indian Queen, or the Eagle, or the White Horse, knew his day's work was done, and with a sigh of relief he stopped for the night. He found the wagon-yard already well filled with Conestoga wagons, stage-coaches, pack-trains and saddle horses. Removing the feeding trough from the rear of his wagon, he fastened it to the tongue, drew provender from a bin in the wagon and hitched his tired horses to it to eat and rest. Then he crossed the long porch, where he was eyed suspiciously by the group of idlers, tilted back in their home-made chairs, whittling sticks and contending over local politics, and entered the large public assembly room, which was always the main feature of the tavern, with its immense log fireplace and comfortable chairs and tables.

One corner of the room served for the bar, where liquors were kept in barrels, jugs and bottles. The kitchen opened from it and the bedrooms were usually upstairs. If all beds were occupied when the late traveler arrived, he lay down on one beside its occupant, without so much as asking leave, or caring who the sleeper might be. If no space was left he went, without comment, to his wagon, got his blanket, spread it on the floor in the public room, lay down with his feet to the fire and rolled up like a human cocoon, surrounded by many similarly situated companions.

In the morning the guests unrolled themselves, bathed their hands and faces in a watering trough outside, and passed the tow-linen towel around with due courtesy. The landlord himself announced breakfast, usually by blowing a horn or ringing a bell on the roof of the tavern. The table was bountifully set, with everything within easy reach of the healthy, hungry men, who ate their fill with no apology, as they discussed the roads, the weather, politics, the price of land, and asked such personal questions as: Where are you from? Where are you going?

What is your name? What is your business? Were there any fevers where you came from last? Then having satisfied the inner man, the traveler paid his bill, about which there could be no controversy, for the tavern rates were fixed by law.

#### TAVERN LAWS IN 1793

Our taverns came into existence as soon as the settlers secured a permanent foothold, and laws governing them were among the first on our statute books. In 1793 a law was enacted in Kentucky providing that any person intending to keep a tavern should petition the county court and obtain his license from the local court for a period of one year, giving bond guaranteeing his good conduct; that he should display in his public room the table of tavern rates, which were "fixed by the court, at least twice a year." These rates regulated the prices to be paid for "liquors, lodging, diet, stablage, provender and pasturage." If the innkeeper overcharged his guests the law also provided that he should be fined thirty shillings for each offense. In some taverns special care was taken to safeguard the sobriety of the guests and see that none drank too deeply of the liquors provided, the most popular of which were ale, beer and spiced cider.

And, so, having eaten enough and not having drunk too much, the traveler paid his bill and departed, to repeat his experience the following night at the next roadside inn, which was similar in its chief characteristics to the one he had just left.

Our early taverns, with their quaint tavern-signs, were facsimiles of the old English inns of song and story, and in the towns they became social centers, where news was gathered and disseminated; where merchants met to discuss their business, and politicians argued such momentous problems confronting the country at the close of the Revolutionary war as states' rights, taxation, the franchise and the free navigation of the Mississippi. In some instances courts were held in taverns, mass meetings were held within, the government proclamations were issued from their doors; town trustees transacted city business in their public rooms, and wagons and stage coaches loaded and unloaded passengers at their doors. They thus became important civic centers, serving their communities as political clubs, as city halls, as boards of commerce, as post offices, as news centers, as passenger depots, and even as banks, for when currency was scarce they issued their own "tavern-money" in certain New England taverns, and the copper two-cent piece of McCann, about the size of a quarter, with a hole in it, so it can be strung on wire, is one of the curiosities of American coinage.

#### IMPORTANT ROLES THEY PLAYED

Notwithstanding their crude construction and obvious discomforts, the taverns nevertheless played a leading role in the settlement of the country and some of the most momentous events of history occurred beneath their hospitable roofs. Thomas Jefferson wrote the Declaration of Independence in the Indian Queen Tavern in Philadelphia, where he was living at the time. The whig party, during the political agitation preceding the Revolution, made the Green Dragon of Boston its headquarters; the Ohio Land Company, which did its part in the winning of the West, was organized in the Bunch of Grapes in Boston. Frankfort was selected as the permanent seat of government in Kentucky at Brent and Love's Tavern in Lexington, on Jordon's Row, now known as Upper Street.

Before these taverns were established in Kentucky, the travelers availed themselves of the hospitality of the citizens who resided along

the highways. In some instances rich planters are said to have kept slaves by the waysides, to invite passers-by to stop and rest and partake of food, so eager were they to encourage settlers in the country. And settlers came by every thoroughfare. Pedestrians and horsemen filled the roads; canoes and flat-boats floated down the rivers; pack trains wound slowly up the rugged mountain sides and down into the shadowy valleys. Conestoga wagons lumbered across the country, their ponderous wheels digging deep ruts into the soft earth, marking the path for all other four-wheeled vehicles, as they migrated from ocean to ocean. They sometimes traveled in solitary grandeur, their gaily caparisoned horses moving in conscious pride of decorated harness and tinkling bells; and sometimes in great caravans stretching for miles along the highways, transporting the settlers, their families and all their worldly goods.

#### ENTER THE STAGE COACH

The Conestoga wagons were closely followed by the stage coaches, those vehicles of romance and anecdote, patronized by the business men, lawyers and the elite of the traveling public. What excitement prevailed in the sleepy little village when a stage coach came dashing into town, the driver, whose exalted seat was the ambition of every schoolboy; driving four spirited horses at an imposing gallop, and winding his horn, the bright colored coach swaying and swinging on its leathern straps and enveloped in a cloud of dust as it came to a standstill at the tavern door! How rapidly the news of its arrival spread through the town! And how quickly the people gathered to see who was arriving and learn the latest news of the outside world! It was everybody's business to watch the stage come in and depart, and no personal column of our daily papers gives fuller accounts of society's comings and goings than did the tavern's lodgers of a century ago.

The stage passengers often entertained themselves en route with an amusing question game. Each in turn propounded a conundrum; if the others could not answer it, they each owed him a drink at the end of the journey, but if he could not answer his own question, he was obliged to furnish the drinks for the whole party. As a consequence of this keen game of wits the questioners became very expert. My father, who would be 103 years old, if living, and who patronized the stage lines going to and from Frankfort, told me that on one occasion a passenger asked, "What does the ground squirrel do with his dirt when he digs his hole?" No one knew, and he was asked to answer himself. He replied: "He begins at the bottom, of course." Whereupon an impulsive passenger, thinking he had caught the questioner napping, asked: "But how did he get to the bottom?" "That," said the questioner with suavity, "is your question, sir," and the impulsive passenger had to pay for the drinks for all of his fellow-passengers when the stage arrived at its destination.

The greatest rivalry existed between the stage lines, especially those connecting Kentucky with Wheeling, via the National Road. If the Good Intent Line chose one tavern for its headquarters, the Stockton, or Old Line, loudly proclaimed its offices in the rival tavern. The rivalry even extended to the drivers, and Pete Burdine, who was one of the famous whips on the Good Intent Line, when soliciting passengers, sang a song in his rich tenor voice, the chorus of which was:

"If you buy a seat on the Stockton Line  
You are sure to be passed by Pete Burdine."

#### CLAY AND OTHER NOTABLES

Henry Clay usually traveled by stage as he went back and forth from Ashland to Washington. He was the idol of the National Road, knowing

the tavern keeper by name, praising the buckwheat cakes of his landladies, and conversing familiarly with the drivers. Redding Bunting, who was the favorite stage driver of his day, noted for his speed and skill, named his only son for Mr. Clay. Such notables as Jackson, Harrison, Polk, Taylor, Crittenden, Shelby, Scott and Crockett were regular patrons of the old stage routes.

But no matter whether the traveler arrived on foot or on horseback, by wagon or stage, he patronized the taverns. Among those who came were distinguished foreigners who wrote books after returning to their native lands describing the country, the people and even the taverns where they had sojourned. First among these were Andre Micheaux, the celebrated botanist, who came in 1793, and his son, Francois, who followed in 1803. These distinguished Frenchmen portrayed conditions as they found them, emphasizing the lack of inns and bridges and the time lost in waiting until sufficiently large bodies of travelers had collected for mutual protection while going through the wilderness. They were not very complimentary to the inhabitants, describing them as having a passion for gaming and spirituous liquors, prone to quarrel and given to lawsuits.

The cultured Englishman, Fortesque Cuming, was more kind. He made his tour in 1808 and 1809, coming from Pittsburg to Maysville by boat and riding horseback from there to Lexington and Frankfort, stopping at the principal inns along the road. He deplored the fact that sheets were not generally used, "save in English inns or places of fashionable resort," and thought, while the taverns were appreciated by the business men, lawyers, judges of the courts and members of the legislature, that the settlers, as a class, misused them, spending weeks at a time in them during the sessions of the courts, eating little and drinking much.

He praised Mr. January's tavern at Maysville and spoke in complimentary terms of the courtesy and intelligence of Mr. January himself. He found Maysville with only sixty houses, but the greatest shipping port below Pittsburg, where vessels of all sizes up to 400 tons were being built.

At Washington he had an excellent dinner at Mr. Elbert's Tavern; he praised the grace and intelligence of the "Tavern Ladies," expressing great satisfaction in their company, and hired a horse at 50 cents a day to ride to Lexington.

Captain Waller was his "obliging and interesting host" at Millersburg, and when he reached Lexington "he alighted at Joshua Wilson's Inn."

#### THE PHOENIX 118 YEARS AGO

Inasmuch as Wilson's Inn, better known then as Postlethwaite's Tavern, is none other than our present Phoenix Hotel, which has served the public continuously for the past 118 years, his description of it in 1808 is interesting. He says: "I entered the travelers' room, which had many strangers in it. Shortly after, the supper bell ringing, we obeyed the summons and were ushered into a room about forty feet long, where, at the head of the table, laid out with great neatness, plenty and variety, sat our well-dressed hostess, who did the honors with ease and propriety."

Three years before the visit of Mr. Cuming, Col. Aaron Burr was a guest of Joshua Wilson's Inn; he entertained his beautiful daughter, Theodosia Burr Alston, and her distinguished husband, and Mr. Blennerhassett while there. His visit was not heralded abroad and an amusing story is told of how his presence in town was discovered by a small boy who recognized him from a representation he had seen of him at an exhibition of waxworks showing his duel with Hamilton. Upon his wax effigy the showman had hung a placard upon which he had inscribed:

"Oh Aaron Burr, what hast thou done!  
Thou hast shooted dead great Hamilton.  
You got behind a bunch of thistle  
And shot him dead with a big hoss-pistol."

Ap[ro]pos of Colonel Burr, Mr. Cuming said, his trial was a frequent subject of discussion in the taverns he visited, and that the people were about equally divided in their opinion as to his guilt or innocence.

Joshua Wilson leased the tavern from Mr. Postlethwaite. His license in an old record book in the Fayette County Courthouse dated May 14, 1804, says: "On motion of Joshua Wilson, license is granted him to keep a tavern at the home lately occupied by John Postlethwaite one year from the date hereof, who came into court and entered into bond with George M. Bibb, his security, as the law directs."

Capt. John Postlethwaite, a Revolutionary soldier from Pennsylvania, who built the tavern in 1800, was the ideal tavern keeper of the early days; dressed in neatly fitted small-clothes and gray silk hose and immaculate ruffles, he graciously greeted each guest, and, by his cordiality and dignified demeanor, won each for his friend. His advertisements were couched in chaste and elegant language, as the above transaction in the Gazette of June 5, 1804, will prove. It says: "I have rented the house and tavern lately occupied by me in this town to Mr. Joshua Wilson, formerly of Bardstown. I beg leave to return my sincere thanks to my numerous customers for their preference in my favor, whilst in that house, and am happy and confident in assuring those who continue their favors to Mr. Wilson that they will find every accommodation that the house and situation is capable of affording, which I hope I do not presume in saying will be equal to any in the Western Country."

Captain Postlethwaite was a prosperous, public spirited citizen, serving his city as treasurer and banker, as well as tavern keeper, and Captain Postlethwaite's Light Infantry Company was an important addition to all public functions. For a time he allowed the postoffice to be conducted at his tavern, which was a low, rambling log building on the corner of Main and Limestone streets, with the principal entrance on Limestone. Much of the furniture was made by local cabinet workers, of native cherry and walnut, which was fine and glossy, and the comfort of the corded four-post beds and the beauty of the Windsor chairs were mentioned by more than one writer of the times. The rag carpets were as fashionable then as now, and while the guests had to be "lighted to bed by tallow candles," there was a small army of faithful slaves to render the gracious service. He conducted the tavern at various intervals until his death in 1833, during the cholera scourge in Lexington.

#### MONROE AND LAFAYETTE GUESTS

But Mr. Sanford Keen was conducting the tavern when the two great fires occurred, and it was he who, seeing it rise again and again from its ashes like the fabled Phoenix of old, conferred upon it the name it now bears and caused the sign of the Phoenix to be placed on both its Main and Limestone Street corners, as the picture of the original Phoenix Hotel plainly shows. After Mr. Keen's death his widow conducted the tavern and did it well.

During the Keen management the famous hostelry sheltered two of Lexington's most distinguished guests, President Monroe in 1818, and General Lafayette in 1825.

President Monroe and suite, and General Jackson and suite, who came to celebrate the Fourth of July, were escorted to the city by a committee of prominent citizens and by the Light Infantry and Rifle Company. A federal salute was fired as they entered the town and as they arrived at

Mr. Keen's Tavern. They were extensively entertained and a public dinner was given at the tavern in honor of the President of the United States.

The visit of Lafayette occurred under the dispensation of Mrs. Keen. The Nation's guest was met on the Versailles pike by various state and county committees and by the Fayette Hussars, under Captain Pindell, described as "striking and elegant in their handsome uniforms, mounted on blooded white horses and performing their evolutions with great accuracy and skill and grace." A picture in an old Gazette adds confirmation to the assertion, for it shows them at a full gallop and gaily bedecked in feathers, swords and gold lace. This imposing cavalcade escorted General Lafayette and his suite to Mrs. Keen's Tavern, where "his apartments were fitted up with great taste and elegance and adorned with a profusion of fresh flowers."

According to the Gazette, numerous addresses were made to him: a "Literary Repast" was provided for his entertainment to Transylvania University, where original odes were delivered by students in French, Latin and English; and entertainment was given him at Lafayette's Female Academy, which was named for him, at which the audience was "electrified and tears were brought to eyes unaccustomed to such emotion." After attending a "Military Review" he was guest of honor at a grand dinner at the Masonic Lodge, where he sat before a "castellated cake surmounted by the American flag and covered by numerous appropriate devices, the handiwork of Monsieur Giron and Monsieur Audin, who had paid great attention to emblematic painting;" then followed the ball, at which wonderful costumes, still preserved in Lexington, were worn. He did not tarry long at that ball, but retired early, and when he returned to the Masonic Hall for breakfast next morning, he sat before the same "castellated cake," which was afterwards carefully preserved and exhibited in all its glory at the next Masonic Conclave.

After he sat to Jouett for his portrait, which now hangs in Frankfort, and had been wined and dined for forty-eight consecutive hours, "he ascended his barouche and departed amidst the acclamations of a free and grateful people."

There is neither time nor space to recount many of the interesting events that occurred in this noted old tavern, but the Gazette gives a delightful account of the dinner served there by Captain Postlethwaite in 1803, when prominent men were gathered from all parts of the state to celebrate the cession of Louisiana. At the dinner twenty-four brilliant toasts were delivered, most of them accompanied by three cheers.

#### THE GRAND BALL OF 1834

It also gives a dazzling description of the grand ball in the basement of the tavern in 1834, celebrating the opening of "The Pioneer Railway of the West from Lexington to Frankfort," at which more than five hundred persons, including the governor of the state, members of the legislature, congressmen and judges of the Court of Appeals were present, when "in the profusion of the supper and refreshments it seemed as if earth and sea and sky had been plundered of their sweets."

By this time, however, the famous old tavern was generally called a hotel, and we must go back to the beginning of things in Lexington to find the veritable old English inns with their quaint old signs that abounded in the early days.

The first one in Lexington was opened in 1785. The tavern sign bore the coat-of-arms of Virginia and its proprietor, James Bray, announced "Entertainment for Man and Beast."

The sign of the second was the Sheaf of Wheat. The tavern was built and conducted by Robert Megowan and the first state treasurer's

office was housed under its humble roof. John McNair kept the tavern at the sign of The Buffalo; Benjamin Kiser at the sign of The Indian Queen; Ayres at the sign of The Cross Keys; Satterwhite at the sign of The Eagle. We do not know who kept the tavern at the sign of The Side of Bacon. Cuming thought the Travellers' Inn as good as Wilson's; the Democratic Club occupied rooms at the Old Free and Easy and Elijah Noble advertised the virtues of Old Ironsides at length, claiming that he could accommodate travelers for private parties with no interruption from strangers, liquors were excellent and the table always spread with the choicest of each successive season. The stable contained sixty horses under the personal supervision and care of Mr. Ballenger.

Luke Usher's tavern sign was "Don't Give Up the Ship," showing the ship at full sail.

It seems to have been a curious custom in those days to advertise in rhyme. Old Shaw, the well digger, and Cummins, the wig maker, often did, and one man even advertised that his wife had left his bed and board in rhyme, so we need not be surprised to find Luke Usher, the enterprising Irish actor, advertising his tavern in the same curious way. In the Gazette of May 1, 1818, he says:

#### "DON'T GIVE UP THE SHIP"

"Who's not been in Kentucky hath not seen the world.  
'Tis the state in which Freedom's own flag is unfurled.  
It is Plenty's headquarters and misery's grave,  
Where the Ladies are lovely and the Men are all brave.  
When the weary and hungry to Lexington trip  
Let them stop and regale at the Sign of the Ship,  
Where I promise to treat them as well as I'm able  
With a larder well-stored and good liquors and stable.

"Those who've suits at the Court House may take ere they start  
A choice julip or cordial to gladden the heart,  
So that gaining their cause they'll look gaily and brightly  
Or if they lose it, they'll feel the loss lightly.  
I have Wine and I've Spirits for those who'd drink deep,  
And soft beds that might lull even Anguish to sleep.  
You'll live well at my Inn where the Travelers throng,  
And they who live well can't be said to do wrong.  
To keep peace with my guests and elude want and sorrow  
I would trust but one day, and that day's called tomorrow.  
Don't Give Up the Ship, make an Irishman Lucky.  
So, here's Erin Go Bragh—and Hurrah for Kentucky!"

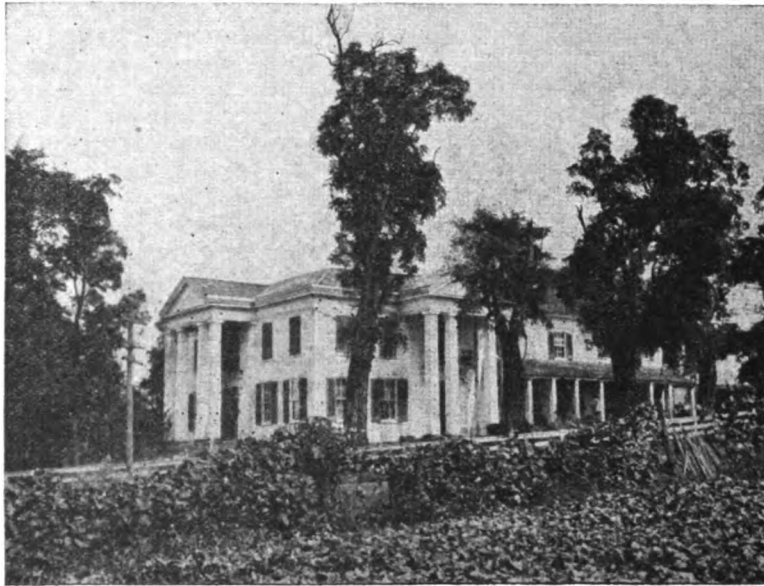
#### OTHER BLUE GRASS TAVERNS

But enough of Lexington for the present. The history of the Old Tavern at Harrodsburg, which was so closely associated with Burr, Wilkinson and Daviess, has been charmingly given by Miss Mary Stephenson, who told also the local tradition, that Lafayette, while a guest there, played a matched game of billiards with Richard Figg, who won the game, and that notable balls were given in honor of the nation's guest at the Old Tavern.

At the Eagle Tavern in Cynthiana, in 1795, the tavern rates were: For a dinner, one shilling and threepence; a breakfast and supper, each one shilling; for a bed each night, sixpence; lodging in clean sheets, sixpence; for whisky by the half-pint, eightpence; for stableage and hay for one horse for twenty-four hours, one shilling; for pasturage for one horse twenty-four hours, one shilling and eightpence; for corn and oats by the quart, tuppence.

When Fortesque Cuming went to Paris on his tour in 1808, he stopped at Buchanan's Inn, where the hostler was a fine negro man, who had formerly belonged to General Washington. He had accompanied and served the general in all his campaigns and as he learned farriery, cooking and hair dressing in England in his youth, and was such a faithful servant, Washington had liberated him and in his will had left him a piece of land near Mount Vernon.

Cuming also told of stopping at Daily's Inn on his way to Frankfort. Daily was a mulatto who raised his own garden and kept ice in the summer time, an unusual luxury for those days. He played the fiddle to entertain his guests while they ate, and the fame of his good cooking, neatly kept house, good taste and anecdotes of noted men who had been his patrons drew many travelers to his door. Moreover, those who had



CROSS KEYS INN, NEAR SHELBYVILLE  
(Courtesy of The Filson Club)

once enjoyed his delicious fare thereafter gave his tavern preference over that of its white rival, which was known as Cole's Bad Inn.

Colonel Polk, a local historian of Lexington, told me that Cole was the grandfather of Jesse James, and that Mrs. James was raised in that tavern, which stood on the road between Midway and Versailles, about one mile from Midway. He says there was a tradition that skeletons were found in the cellar after the old tavern had been deserted, which were believed to be the remains of travelers who had been foully dealt with.

On his way to Frankfort, Mr. Cuming met three young men on horseback just returning from Plymptian Springs, "a place of very fashionable resort," where they had been on a party of pleasure and where they had attended more to cards, billiards and horse-jockeying than the use of the waters for medicinal purposes."

It was at the Olympian Tavern, when Mr. Gill kept it, that the famous blessing was asked by two intoxicated youths who had arrived too late for dinner. Realizing that Mr. Gill was within hearing distance, one of them reverently bowed his head and prayed:



"Oh, thou Giver of the fowls and the fishes  
Look down upon these empty dishes,  
And with the power thou did'st them fill  
Bless both of us but damn old Gill."

At Frankfort, Mr. Cuming stayed at the sign of the Golden Eagle, where he sat down to "sumptuous breakfast with two green silk air-fans, kept in motion over his head by a little negro girl with a string from the ceiling." This commodious dining room was seventy-two feet long.

But the tavern has had its day; its glories have faded as the stage coaches vanished, supplanted by railroad transportation. Now and then the travelers along the highways may discover some rambling, dilapidated old building, which upon investigation proves to be the ruins of an old inn, but even these are rare and fast disappearing.

It stands all alone like a goblin in grey,  
The old-fashioned inn of the pioneer day.  
In the land so forlorn and forgotten, it seems  
Like a wraith of the past riding into our dreams.  
Its glories have vanished and only the ghost  
Of a sign-board now creaks on its desolate post.  
Recalling a time when all hearts were akin  
As they rested at night in the welcoming inn.  
Oh! the songs they would sing and the tales they would spin  
As they lounged in the light of the old country inn.  
But a day came at last when the stage brought no load  
To the gate as it rolled up the long dusky road.  
And lo! at sunrise a shrill whistle blew  
O'er the hills and the old yielded place to the new.  
And a merciless age, with its discord and din,  
Made wreck as it passed of the "Pioneer Inn."

BY MRS. W. T. LAFFERTY.

## CHAPTER LXXX

### THE CUMBERLAND GAP REGION

#### MANNERS AND CUSTOMS OF THE PEOPLE

Less than a century and a half ago that intrepid leader, Daniel Boone, led a band of bold pioneers into the vast wilderness country beyond the Alleghany Mountains. Just why he, of all the men that came, and, too, at a time when a fearful war was being waged for independence, should be the chosen leader for the extension of a vast empire—an empire that in time was to extend from ocean to ocean—is one of the unexplainable facts of history. Destiny in some way seized on this unlettered child of the forest and used him to perform one of the greatest feats of all time.

An intelligent historian has said: "Daniel Boone appears before us in these exciting times the central figure towering like a colossus amid that hardy band of pioneers who opposed their breasts to the shock of the struggle which gave a terrible significance and a crimson hue to the history of the old dark and bloody ground."

No nobler undertaking ever came to man  
Than came to Boone and his followers!  
They extended mankind's plan  
To a wider domain among the Powers!  
When time enough elapses  
And history has been given her due,  
The records of those great collapses  
Will give place to records anew.  
Then Boone's achievement will stand  
On the pages of history as actor,  
And mankind will read in grand  
Pageant the record of the benefactor  
To whom all mankind is debtor.  
Long may his memory live in her annals!  
Long may his deeds become the better  
To shine in dark places like candles!

As early as 1773 Boone with his family and some others were on their way to Kentucky, by way of the famous Cumberland Gap route and just before they reached this Gap a party of young men in the company who had fallen in the rear with the cattle were attacked by the Indians in a narrow defile of the mountain. A number of them were killed, Boone's own son, seventeen years old, being among the number. After this incident, at the insistence of the other members of the party, they fell back to a point in Southwestern Virginia. There they remained for a time, but in 1775, after Boone had completed the Wilderness Road and the fort at Boonesboro had been built, they made their way safely through Cumberland Gap to Boonesboro.

Mr. Shaler says: "Almost every part of the surface (that of Kentucky) had been traversed by other explorers before this man, who

passes into history as the typical pioneer, set foot upon its ground." This is doubtless true, and yet he possessed such dauntless courage, such rare persistence, such gentleness of nature, such a vivid imagination, such consummate skill and judgment, such lofty manhood, that he easily became the dauntless leader, the moving spirit, the very soul of the whole movement.

We owe much to Dr. Thomas Walker, the real discoverer of South-eastern Kentucky. He, the learned explorer from Virginia, in company with some others, came through Cumberland Gap in 1750. Collins, in his History of Kentucky, has this to say about them: "In 1750 a small party of Virginians from Orange and Culpeper counties—Dr. Thomas Walker, Ambrose Powell and Colby Chew among them—entered what is now the State of Kentucky at Cumberland Gap, being the first white men known to have visited interior or Eastern Kentucky. The date was pre-



THE CUMBERLAND GAP. VIEW FROM TENNESSEE SIDE  
(Courtesy of H. H. Fuson, Covington)

served by the distinct recollection and statement of Doctor Walker, the most prominent man of the party, and by the carving upon the trees, those silent recorders of Kentucky's early history. Isaac Shelby, the first governor of the state, stated that in 1770 he was on Yellow Creek, a mile or two from Cumberland Mountain, in company with Doctor Walker and others, when Walker told him of having been upon that spot twenty years before, and 'yonder tree contains the record of it; Ambrose marked his name and year upon it, and you will find it there now.' Colonel Shelby examined the tree and found upon it, in large, legible characters, A. POWELL—1750."<sup>1</sup>

Walker gave names to the important streams and mountains of the region: Cumberland Mountain, Cumberland River, Cumberland Gap,

<sup>1</sup> When the writer was just a small boy, several years before Middlesboro was laid out as a town, my father and I were passing through this valley, then owned by a man by the name of Jack Mealer and cultivated by him as a farm, and he pointed out to me the spot where this beech tree once stood and told me the story of the record on the tree practically as Collins has told it. Years afterward I read with great pleasure the confirmation of the story by Collins.

and other points. The Cumberland Mountains were called by the Indians Waseoto, which name is retained by the present town of Wasioto, one mile south of Pineville.

Walker and his party traveled down Cumberland River, along the route later laid out by Boone in his Wilderness Road—through the Gap, down into Yellow Creek Valley, where Middlesboro is now located, down Yellow Creek to where it joins the Cumberland, and down the Cumberland, passing through the narrows at the upper edge of the town of Pineville, crossing Cumberland Ford in the center of the town—to a point a few miles below where Barbourville now stands. Here the party erected a log cabin,<sup>2</sup> said to be the first building ever erected by white men in what is now Kentucky. A number of years ago this building was still standing, when a progressive farmer cleared it away to make room for a more modern structure. From near here the party turned from their northern course and went to the headwaters of the Kentucky River.

Isaac Shelby took up the land around Cumberland Ford (so called because Boone's Trace crossed Cumberland River at this point). The present Town of Pineville now occupies the original Cumberland Ford Settlement. The old Town of Pineville was in the Narrows, along the foot of the mountain. The title passed from Governor Shelby to James Renfro, whose family held it for a time, and finally came into possession of the Gibsons. The Gibsons today own a house, a small acreage surrounding this ford and a scattered acreage surrounding the town. The larger part of the original settlement was sold to a corporation for the site of the new Town of Pineville.

The Gibson residence, once the home of the Renfros, stands upon the bank of the river a few hundred feet below the bridge that crosses the river to the freight depot. The indentations in the bank of the stream where the old Wilderness Road crossed begin in front of this house, extend downstream about 150 feet, and enter the ford just above a recently built barn on the bank. The direction of the ford extended slightly downstream and came out on the other side where a small rivulet flows in from the mountain opposite the town.

The building is one of those large ones with a square effect, two stories in height and has two log cabins, probably smokehouses, to the right and well back. Situated as it is, on a large plot of ground overlooking the river, it presents the effect of one of those old English country estates.

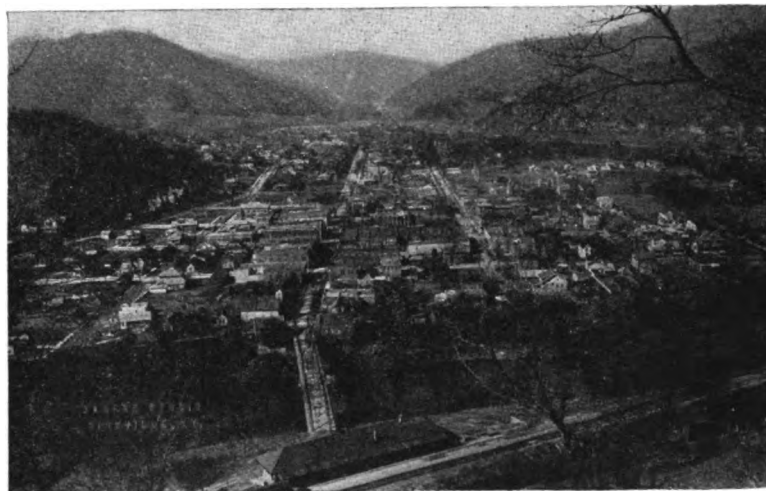
The Narrows, up the river at the edge of town, should share in the fame of Cumberland Ford in the lower part of the town. Here the waters of a thousand rills have cut a gorge through Pine Mountain, which imposed itself as a barrier across the region, as wonderful as any of the famous passes of the Alps. Here rugged walls of rock 1,300 feet high rise from the water's edge on both sides and vie with each other in their perpendicular reach toward the sky. Here cliffs and rugged rock-ledges protrude from a most gorgeous foliage and, with a rapid river plunging among great boulders at their feet, Nature has formed a wonderful pass for the oncoming civilizations of men. Cumberland Gap, the Narrows, Cumberland Ford—the great trio—formed the outlet for the extension of that vast empire known as the United States of America.

That the Indians visited this region, camped here for long seasons and left records of their civilization is evident in many instances. A mound in the present Town of Pineville, only a short distance from Cumberland Ford, on which Dr. W. J. Hodges built a residence a few years ago, appears to have been erected and used by the Indians as a burying ground. Collins says of this mound: "In the large bottom at

<sup>2</sup> See articles of W. S. Hudson, 1905, Page 21. Scrap Book No. 1 of H. H. Fuson.

Cumberland Ford is a mound 10 or 15 feet high and 100 feet in circumference. Bones, pots and other curiosities have been dug from it. It has evidently been a burying ground of the Indians or of some earlier and extinct race." Capt. William Bingham, of Pineville, the second man to start in business in Old Pineville and one of the oldest living men of this section, is authority for the statement that during the Civil war some rebels were hanged to cherry trees (wild cherry) on this mound and buried at the foot of them. But when Doctor Hodges excavated for the foundation of his house, the tombstones (plain stones with the names of H. K. Ruther and D. J. Pruitt, of the Forty-ninth Indiana Volunteers, carved on them) and the bones of these two Union soldiers were found.

In the Narrows, described above, a young man by the name of L. Farmer, at that time a laborer on the farm of Gabriel Lee, who lived in Pineville, found under a big cliff in the Narrows the bust of an Indian carved from yellow pine. Collins says of this image: "In the winter of 1869, L. Farmer, of Pineville, was hunting a fox (that had caught his turkey) among the cliffs that surround Pineville, and found a wooden



VIEW OF PINEVILLE, BELL COUNTY

image of a man, about two feet high, in sitting posture, with no legs. It looked as though it might have been made by the Indians centuries ago. It is a good image of a man, and is made of yellow pine. Some of its features, part of its nose and ears, are obliterated by time, although found in a place where it was kept entirely dry. One ear is visible, with a hole pierced in it as though once ornamented with jewelry. It is a great curiosity to travelers."

The present Town of Harlan, Kentucky, is built on the site of an old Indian village. The excavations for houses reveal relics and bones of this race. Collins says of these remains: "The first courthouse in Harlan County was built upon a mound in Mount Pleasant (this was the original name of Harlan)—upon which, in 1808, the largest forest trees were growing. In August, 1838, a new courthouse was erected upon the same mound, requiring a deeper foundation and more digging—with these discoveries: Human bones, some small, others very large, indicating that the bodies had been buried in a sitting posture; several skulls, with most of the teeth fast in their sockets and perfect; the skull of a female, with beads and other ornaments which apparently hung around the neck. Close by the larger bones was a half-gallon pot

superior in durability to any modern ware, made of clay and periwinkles pounded to powder, glazed on the inside, and the outside covered with little rough knots nearly an inch in length. A neat and well-formed pipe of the usual shape and various other ornaments and tools evincing ingenuity and skill were found; also, charcoal in a perfect state apparently. The mound abounded in shells, bones and fragments of bones, in all stages of decay. They were found from three to five feet below the surface.

"In 1870 more human bones were dug from it, together with nicely polished weights and some pipes—made of hard blue stone."

Other Indian camps and relics were found at Station Camp, in Estill County; three miles below Barbourville, in Knox County, on the north bank of the Cumberland; and the remains of old Indian towns around London, in Laurel County.

A man by the name of Cockrell, who lived in the Town of Cumberland Gap, just under the Pinnacle on the Tennessee side, collected from all parts of the region around Cumberland Gap a large number of Indian relics. These he sold to Lincoln Memorial University at Harrogate, Tennessee, only a short distance from the Gap.

From these remains it would appear that there was more of an occupation, as suggested above, of the Indians than was taken up on long hunting trips. In former times, long before the time of our earliest pioneers, there seems to have been an occupation of parts of the country by the Indians. Afterwards they either died out altogether or, which is more probable, moved to some other hunting ground, and made occasional excursions into Kentucky, as they were doing at the time of the coming of white men.

Early in the Civil war Cumberland Gap was considered of strategic importance. Mr. Shaler is authority for the statement that President Lincoln planned to have a railroad constructed to Cumberland Gap, and to have the position strongly fortified, "so that an army there might give an element of security to Central Kentucky and threaten the rebel lines of communication in Eastern Tennessee. His project, though excellent in its conception, was never carried out. This part of the state was never provided with any adequate defenses."

Kentucky declared her neutrality early in the year 1861, but so determined were the Confederate forces to secure the state for their cause that Maj.-Gen. Leonidas Polk, nephew of President Polk, and General Zollicoffer agreed on an invasion of the state, thereby breaking the very neutrality the state had declared. Polk "took up a strong position on the bluffs that command the stream at Columbus and Hickman," while Zollicoffer moved through Cumberland Gap and took up his position on the foothills around Cumberland Ford six years before the first house was erected in old Pineville in 1867. In order to understand the strong position he took up it will be necessary to give a general description of the topography of the country around Cumberland Ford (the present Town of Pineville).

Around this valley are three high mountain peaks, 1,300 feet. They rise above the river, overlooking the valley, and are joined to mountains that extend southeast and northwest for long distances through the country. At the southern end of this valley Cumberland River breaks through Pine Mountain, forming two of these high peaks and flows in a half circle around the town to the north. This break, known as "The Narrows," is only about 100 to 200 feet wide—just wide enough for river and road beside it, with walls of almost perpendicular height on each side. An army invading the Cumberland Gap region from Central Kentucky would necessarily have to pass up the river through the Narrows to the Gap. Two miles north of the Narrows, at the northern end

of the present town of Pineville, the mountains close in to within 1,200 feet of each other. Here, on the brow of a hill that projects from the main mountain on the east side of the river and commands a good view of this pass to the entrance of the valley from the north, strong breastworks were thrown up, overlooking the present suburb of the Town of Pineville known as West Pineville. The breastworks are in good state of preservation even today.

Further up Cumberland River, on the same side, another foothill from the same mountain is wedged in between the mouth of Straight Creek, which flows into Cumberland River from the east, and the river, which holds a commanding view of Cumberland Ford, the only suitable crossing place in the river for miles around. Breastworks were thrown up on this hill and from this fact is known today as Breastworks Hill. Most of these have been leveled down to make room for a section of Pineville that has been built on it; but on the sides of the hill around this portion some traces of them are still visible.

From the southwest, just south of the Narrows, Clear Creek flows into Cumberland River. Broad bottoms, known as the Moss Farm, spread out around the mouth of this creek and, in order to protect the Narrows from a movement from the south, which was not likely, since the Confederates held the country south of Cumberland Gap, a detachment of men was placed in a commanding position here, and guards were posted up Clear Creek as far as Smith Hill, two miles away.

Zollicoffer did not remain here long and moved to Central Kentucky by way of Barbourville. The first fight in the state was an engagement between this army and some Home Guards. At Wildcat Mountain, near London, he was met by the Seventh Kentucky Regiment under General Garrard. After reinforcements joined General Garrard, the Confederates retired from before the strongly defended position of Garrard's force.

General Johnston's Confederate army was sorely pressed in Western Kentucky and Tennessee, and, wishing to divert attention from his perilous position, decided to make another attack in Eastern Kentucky. Gen. George B. Crittenden, who held an entrenched position on the north side of Cumberland River, at Beech Grove, Pulaski County, was ordered to make the attack. Gen. George H. Thomas, with his Federal force, was moving against this position when General Crittenden decided to beat General Thomas to the attack. So, with 5,000 men, General Zollicoffer was sent against Thomas. The engagement was the most fiercely contested one in the Mississippi Valley up to that time. The receiving of reinforcements by Thomas and the death of General Zollicoffer by a pistol shot from Col. Speed Fry turned the tide of battle, and the Confederates with difficulty fled across Cumberland River. "The battle of Mills Spring, or Logan's Cross Roads, though the total killed and wounded did not exceed 600, was a remarkably well contested fight. The men of both sides were unused to war, yet they showed the endurance of veterans."

The battle of Perryville was a draw, amid misconceptions on both sides. Sheridan, who was in charge of the action under Buell, who was at some distance from the conflict, thought he was in contact with the whole of Bragg's army, when in fact Bragg had only about one-third of his army there. This made Sheridan very cautious. The Confederates, on the other hand, considered that they were dealing with an inferior force, only a fragment of Buell's army, and could wait their time for the men to rest still the next day for the engagement. Buell had a large army there, much larger than Bragg's, and when Bragg came up in the midst of the fight and saw the situation, he retreated and, by forced marches, outstripped Sheridan. Bragg then headed for Cumberland

Gap and, by felling trees across the roads in the rear, escaped to Tennessee beyond Cumberland Gap.

General Stephenson, with his Confederate forces, had occupied Cumberland Gap. The present site of the Town of Cumberland Gap, on the Tennessee side, was a tented field of warriors. Roads were constructed from Tennessee and Virginia up into the Gap, around the mountain by the Gap and beyond on the same side, and down into the Yellow Creek Valley on the Kentucky side. Strong breastworks were thrown up on the rugged mountain sides in this Gap, and the pass was guarded on both sides for miles around.

Today traces of this occupation are visible all about the Gap. Just



BIRTHPLACE OF GEN. ALBERT S. JOHNSTON

beneath the Pinnacle on the Kentucky side are great breastworks that have been thrown up and are now in a fairly well preserved condition. Trees with trunks larger than a man's body have grown up in and around them.

On the low ridges back of Cumberland Gap town are long rows of pits from which the bodies of the soldier-dead were taken after the war. The hard ground on these hilltops has kept them in a pretty good state of preservation.

Confederate General Stephenson, by threat of invasion, was driven from this impregnable position by Gen. George W. Morgan, the Federal general. He occupied the position for some time. But the Federal Government at Washington, in the press of the war, seemed to forget about the force in Cumberland Gap. General Morgan found himself without provisions, and could obtain them only by foraging in the valleys of



Virginia and Tennessee, which were held by the Confederates. Central Kentucky was also in the hands of the Confederates, and the mountain district could not be depended upon to furnish sufficient food to sustain his army. General Morgan was in a perilous situation.

There are two other gaps, Baptist Gap and Big Creek Gap, west of Cumberland Gap, which, it seems, General Morgan did not know about, or, knowing, failed to fortify. Gen. Kirby Smith at this juncture added another peril to his already perilous situation by entering the state through Big Creek Gap in the region of upper Clear Fork of Cumberland River. But some men under Colonel Mundy, who were at that time stationed behind breastworks thrown up in the bluffs overlooking the Nim Smith Ford of Little Clear Creek, about a mile up from where the stream joins Big Clear Creek at Clear Creek Springs, and some sixth months' Ohio troops, who were in the region, were dispatched against General Smith at Big Creek Gap. This division, though cut to pieces, checked the movement of the Confederates and enabled General Morgan to begin his retreat. He carried out a successful retreat for 200 miles across Kentucky, against a most carefully laid plan to trap him, to the Ohio River at Greenupsburg. It "was a long, running, starving fight, from which the force came out looking like an army of spectres, shoeless, their clothing in tatters, and their bodies wasted by scant food. This retreat deserves to be remembered as one of the great exploits of the war and one of the most successful movements of its kind in military history."

The people of the mountains of Kentucky were strong for the Union. They, who owned few or no slaves and cared nothing for the slavery question, came into conflict with their neighbors in Central Kentucky and the bordering regions of Tennessee and Virginia. In fact, they, together with the other peoples of the Appalachian region around them, were caught between the two contending armies of the North and the South. In the Federal armies, and on their own part in many instances, they began the extermination of the rebels in the region. The rebels had some sympathizers among the people, who retaliated by killing Federal soldiers. Thus in this way feuds grew out of the Civil war. The relatives of the people who were killed took it up after the war and sought to settle the matter by killing others. In fact, they only added fuel to the fire, and long-standing feuds broke out in different parts of the mountains. Only a very small part of the population was engaged at any or all times in these feuds. Ninety per cent of the people, taking them as a whole, condemned them. Of course, this feudal warfare has a basis no doubt in individualism, which harks back to the Border wars of England and Scotland.

The mountain people of Kentucky, at a critical time in the history of the nation, were the balance of power in saving Kentucky for the union and thereby aided in turning the tide in favor of the Union in one of the greatest conflicts of history. The raw levies of General Garrard from the mountains of Kentucky were the first to strike a blow against the Confederacy in Kentucky, when they attacked General Zollicoffer at Wildcat Mountain.

Whether at New Orleans under Jackson, at Lake Erie under Perry, at King's Mountain under Shelby, under the battlefields of Mexico, in the Indian warfare of the Revolutionary times, or under George Rogers Clark in opening up the Northwest Territory, or the great World war, these mountain men have always shown that bravery under fire, that loyalty to their commander, that true marksmanship that have ever characterized the bravest of the people of any time or age.

Who are these people? Authorities are not so much divided on this question today as they once were. They are generally agreed that the

mountain people of the Cumberland Gap region are of English and Scotch-Irish descent. A look at some of the more prominent pioneers will confirm this. Doctor Walker, the real discoverer of the region—the learned explorer who gave English names to the region—was a Virginian of English extraction. Daniel Boone, the leading pioneer of the times, traced his descent to Exeter, England. It is said on good authority that one of the reasons for Daniel Boone wishing to leave his home on the Yadkin was because some Scotch people had moved into the neighborhood and were clearing away the forests too much to suit him. Here we have suggestions, in the lives of the people, of the character of the people—English and Scotch—who were moved southwestwardly in the direction of Cumberland Gap.

The union of these two peoples has made a strong and hardy people who, with the other peoples of the Appalachian region, have become the very backbone of patriotic America.

Some historians have tried to make a distinction between the ancestry of the people of the Bluegrass and the people of the mountains, but their statements cannot find support among the best authorities. Virginia was settled by the rural peoples of England, and Kentucky, being an off-shoot of the same settlement, traces her ancestry to the same source. Some of these people from Virginia, from choice, settled in the mountain region, and the others, from the same reason, settled in the Bluegrass or moved on farther west. Of course, the Bluegrass region pressed ahead more rapidly because of the more favorable physical conditions, and left the mountains to struggle for a century against almost insurmountable obstacles.

Shaler says: "This glance at the sources of population in Virginia is sufficient to show that, with the exception of the slaves, they came almost entirely from truly British people. This character it essentially retains to the present day. At the time of the Kentucky settlement it retained it almost altogether.

"In Virginia the colonists were principally from the country districts of England. Their absorbing passion was not for religious discussions; it was for the possession of land, for the occupations and diversions of rural life. When their interests were involved they tended not to religious disputations, but to politics. This appetite for land seems never to have been a part of the New England desires; in Virginia and Kentucky it was the ruling passion.

"A small portion of the Kentucky settlers came from Southern Maryland and from Central North Carolina, societies essentially like that of Virginia in their general aspect.

"We have now traced, in brief outline, the conditions of the people who made the Commonwealth of Kentucky from the time of their settlement in this country to their exodus into Kentucky. We have seen that in the beginning they were mainly rural Englishmen, who came voluntarily to America, not generally under the influence of political or religious persecution, but with a view to bettering their condition as tillers of the soil. It was doubtless, on the whole, a selection of the best of the country blood of the mother England. None but the vigorous, the enterprising, the hopeful-minded, undertook such changes of life in those days. \* \* \* From this picked people, after a century or more of development in Virginia, a second selection was made to found the new Virginia of the West."

Says Haney: "The settlers of Eastern Kentucky, the descendants of those Englishmen of five or six generations, were amalgamated with other stock; nevertheless, the English blood is predominant in the mountain people. Fortunately, the amalgamation was with the Scotch-Irish, a race which instilled into their veins a stream of blood which gave them greater

courage, endurance and sturdiness to battle with the difficulties with which the pioneers of any country must contend."

Roosevelt, in his "Winning of the West," says: "Though mingled with the descendants of other races, they were nevertheless the predominant stock which formed the kernel of this distinctively American race, who were the pioneers of our people in their westward march—the vanguard of the army of fighting settlers who with ax and rifle made their settlement in the mountains."

Fiske, in speaking of the Scotch-Irish, says: "A few of them came to New England where they have left their mark, but the greater majority of them came to Pennsylvania and occupied the mountain country west of the Susquehanna. Thence a steady emigration was kept up southwesterly along the Appalachian axis into the southern colonies." Speaking of the Ulster stream, he says: "From the same prolific hive came the pioneers of Kentucky and Tennessee with their descendants through to the Mississippi and beyond." Fiske and Roosevelt try to force the conclusion that the Scotch-Irish predominated, but this is not in accord with the latest and best view, which is better stated by Shaler.

William Aspenwall Bradley, says: "The length and conditions of my stay in the hill country gave me an unusual opportunity to become acquainted with the life and character of the mountain people, about whom, perhaps, more has been written and less actually known than about any other on the continent. It used to be the theory of historians, like Fiske, that they are the descendants of Scotch-Irish settlers. More recently the view has been advanced by Miss Ellen Churchill Semple and other Kentucky writers that the Cumberland Mountains, at least, are of English ancestry, and this view has been widely accepted, with the result that we hear much nowadays of the purest Anglo-Saxon blood on earth—whatever that may mean. To me it is clear that both strains mingle in Kentucky."

These people have a native intelligence, a resourceful intelligence that is rarely excelled by the people of any other part of the country. Even the so-called uneducated, through a varied experience, have developed an insight into affairs and a knowledge of government, religion, and practical everyday things of life, that is not easily observable on first acquaintance. It is true, they are not prolific readers, on the whole, but what they read they meditate on, and in this way are more original thinkers than the average.

Bishop Wilbur R. Thirkield says of them: "The mountain people are of fine mental capacity. A man of affairs and a deep student of character once said of them: 'They need only an introduction to civilization to prove themselves equal to any men in the world. I regard them as the finest rough material in the world, and one of them molded into available shape is worth to the world a dozen ordinary people.'"

Dr. Harvey W. Wiley says: "These Highlanders are not degenerates. On the contrary they are the best human specimens to be found in the country, and probably in the world. They are the last remnants of the undefiled."

Woodrow Wilson says: "In these mountains is the original stuff of which America was made."

The mountains have furnished some prominent men to the state and nation. Gen. T. T. Garrard, of Manchester, who met Zollicoffer at Wildcat Mountain with his raw levies further distinguished himself during the Civil war and became one of the nation's great men. Samuel Miller, of Barbourville, became a justice of the United States Supreme Court. Green Adams, of Barbourville, was representative in Congress for four years and was appointed Sixth Auditor of the United States Treasury by President Lincoln. Silas Woodson, of Barbourville, became gover-

nor of Missouri. Secretary of the Interior, Ballinger, in the Taft Cabinet, was originally from Barbourville.

Lewis P. Summers, in speaking of the War of 1812, says: "Colonel James Campbell died in service at Mobile, Alabama, and Colonel John B. Campbell fell at the battle of Chippewa where he commanded the right wing of the army under General Winfield Scott. Both were sons of Colonel Arthur Campbell the 'father of his country.'" Col. Arthur Campbell himself died at his home, on the present site of Middlesboro, Kentucky, in the year 1811, and his body was buried at that place according to the direction of his will, which is recorded at the county clerk's office of this county. Mr. Haney says: "Recently the grave of Colonel Campbell was discovered in an out-of-the-way place" (in Middlesboro).

William O. Bradley, of Lancaster, governor of the state, and United States Senator at the time of his death, and the leading representative of the republican party in the state for three decades before his death, always boasted of his mountain ancestry and his love for the people of Eastern Kentucky.

D. G. Colson, of Middlesboro, was representative from the Eleventh Congressional District for a number of years and was colonel of the Fourth Kentucky Regiment during the Spanish-American war.

Judge T. J. Asher, of Pineville, for many years a resident of the little town of Wasiota, has been one of the foremost figures of Eastern Kentucky in developing its mineral resources, opening the rich coal mines of Harlan and Bell counties, and building railroads into the undeveloped regions. Judge Asher possessed a vision of the coming wealth of his part of the state that was seen by few of his contemporaries, and by reason of that vision he has become one of the wealthiest men in the Cumberland Gap region.

James D. Black, of Barbourville, a prominent lawyer, was for a time governor of Kentucky.

The present governor of Kentucky, Edwin P. Morrow, of Somerset, has gained a national reputation as an orator and as a forceful executive. He is a nephew of former Senator Bradley.

Says Cecil J. Sharp, the English Folk-Lore writer: "The mountaineer is freer in his manner, more alert, and less inarticulate than his British prototype. \* \* \* The difference is seen in the way the mountaineer, as I have already said, upon meeting a stranger, removes his hat, offers his hand and enters into conversation, where the English laborer would touch his cap, or pull his forelock, and pass on."

"They are, however, good talkers, using abundant vocabulary racy and often picturesquely. Although uneducated, in the sense in which that term is generally understood, they possess that elemental wisdom, abundant knowledge and intuitive understanding which those only who live in constant touch with nature and face to face with reality seem to be able to acquire."

"The reason \* \* \* why these mountain people \* \* \* have acquired so many of the essentials of culture is partly to be attributed to the large amount of leisure they enjoy, without which, of course, no cultural development is possible, but chiefly to the fact that they have one and all entered at birth into the full enjoyment of their racial heritage. Their language, wisdom, manners, and the many graces of life that are theirs, are merely racial attributes which have been gradually acquired and accumulated in past centuries and handed down generation by generation, each generation adding its quatum to what it received."

Only about a century and a half has passed since our ancestors occupied the mountains of Southeastern Kentucky. At first, in common with all the pioneers of this country, they built rude log cabins everywhere, and, with the ax, the broadax, the fro and such other tools as they had

or could make, by joining themselves together could soon erect a suitable house, or houses, in which to live. With the ax they felled the trees, with the broadax they hewed the logs to a flat surface on two sides, and with the fro they rived the boards that formed the roof of the house. In the absence of nails they used hot irons or augers to bore holes and make pegs to fasten the building together. The boards for the roof were often weighted down instead of being fastened. Thick boards were split out of logs, called puncheons, smoothed down with the broadax, and used to make the floor. Stones selected because of evenness and smoothness, and daubed with clay, were used for chimneys. Wood was used as fuel in the broad fireplaces. Cooking was done on this fireplace in pots on hangers over the fire or in pots and pans on the hot coals in front of it.

Later saws were brought in and lumber was sawed from the log by hand. In this way the floors, ceilings and roofs were improved. The inaccessibility of the country caused the people to hold on to this type of living longer than in some other communities of the country.

Watermills were used for the grinding of corn into meal and the sawing of lumber by waterpower.

Looms, reels, spinning wheels, were constructed to spin and weave cloth. Soon the people built up for themselves the fabric of their own economic life. They made themselves independent of the outside world, not from choice, but because the force of circumstances compelled them to.

After a century of struggle with hard environmental conditions, however, they are building railroads, factories, developing coal lands, opening oil wells, running sawmills, building towns, in competition with the most advanced methods of the country. Their resources are now beginning to bring them untold wealth.

#### LITERATURE

The idea of the extent of these Highlands is not very definite in the minds of most people. It has been thus described by Mr. Thomas P. Carothers of Newport:

"It embraces an area a little less than one-third of the state, containing 12,954 square miles, which is about the area of Massachusetts, Connecticut, and Rhode Island combined. About thirty-five counties of the state are either wholly, or in part, in this section. It extends from the Tennessee line on the south to the Ohio River in the north, and is east of a line drawn from about Maysville, southwestwardly, to the Tennessee line. The western part of it, however, is rather more hilly than mountainous."

The greatest contribution of the Mountain people of Kentucky to the state and nation is a wealth of Ballad Literature they have preserved for transmission to future generations. Through this literature, handed down from generation to generation and added to from time to time, they have kept up a culture and a refinement that is nothing short of marvelous. Their language is steeped in expressions from this ballad literature, from Shakespeare's writings, from Aesop's Fables, from the Bible, from Mother Goose Rhymes, and from such books as the *Golden Gems of Life*, a book with the whole philosophy of life in strong, dignified, beautiful language. These books and ballads have composed, taking the people as a whole, the major part of their readings or recitals for over a century. Upon these they have thought, and not only thought but meditated, and have constructed a wholesome philosophy of life for themselves.

This ballad literature has been handed down from the most ancient

times, from England and Scotland direct, and more remotely from the home of our ancestors around Northern Germany. Mr. Cecil J. Sharp, the English Folk-Lore writer, in his and Miss Campbell's book on "English Folk Songs from the Southern Appalachians," gives a list of fifty-five ballads found in the Southern Appalachian region, many, or possibly all, of which are to be found in the Kentucky Mountains. And, in addition to these, he gives fifty-five other songs and twelve nursery rhymes. All of these ballads, songs, and nursery rhymes, to the number of 122, are secured from the lips of the people in this mountain region. The name of the person furnishing the ballad or song and the tune in which it was sung are given in each instance. Four of these are traced back to Percy's Reliques, an old book first written, says Furnivall, in 1650. It is the oldest book of ballads in the English language, and has become a real source book of ballad literature. These songs or ballads (all ballads were originally sung) go back to the days of the "rude songs of the ancient Minstrels"—to the "barbarous productions of unpolished ages."

Of the Ancient English Minstrels, "Most of them are represented to have been of the North of England. There is scarce an old historical song or ballad wherein a Minstrel or harper appears, but he is characterized, by way of eminence, to have been 'of the North Countrey;' and indeed the prevalence of the northern dialect in such compositions shows that this representation is real."

From these countries, England and Scotland, they came to America with the settlement of the country. In this country they have survived in varied forms in different localized communities.

They came into the Mountains of Kentucky because this region was settled by the people from the country districts of England, Scotland and Ireland, the people who had treasured up this literature more than that of any other people from the British Isles. This is proven by the fact that the people of the country districts of the Mountains are the ones that retain them today. They have been retained here because for a century this region was almost inaccessible. These people, so situated, turned their attention to making a living from the rough and rugged country and to treasuring up this literature of their ancestors. It is true, they did not always do this consciously, but from a sense of appreciation and interest to them always, and because of the further fact that they had plenty of leisure time. The long winter evenings were spent in reciting and singing around the fireside these ancient songs. But for the opposition of the religious people their preservation would have been over a more extensive area of the country and on a much more comprehensive scale. In spite of this opposition, however, a large mass of ballad literature has been preserved, and is now awaiting the collector who has the patience, the foresight, the sympathy, and the interest to gather it.

In speaking of the effect of the surroundings of the Mountain people on their lives and of the force and imprint of their literature on their language, William Aspenwall Bradley, says: "Living in the closest physical contact with nature, under conditions still largely those of pioneer life, and thus interested in things rather than in ideas, the mountaineer expresses himself racily, with simple force and directness; and, since his vocabulary is necessarily limited, he makes habitual use of metaphor and other figures."

The four ballads that are found in the Mountains of Kentucky and can be traced to Percy's Reliques are: Fair Margaret and Sweet William, Lord Thomas and Fair Ellinor, Little Musgrave and Lady Barnard, and Barbara Allan.

The popular version is as follows:

Sweet William was buried in the old church tomb,  
 Barbara Allan was buried in the yard,  
 Out of Sweet William's grave grew a green, red rose,  
 Out of Barbara Allan a brier.

They grew and grew to the old church top  
 And still they couldn't grow any higher,  
 And at the end tied a true love-knot,  
 The rose wrapped around the brier.

But the version given by Mrs. Ellie Johnson, of Hot Springs, North Carolina, ends in a way different to all the others, but, at the same time, the reader will notice that the main idea has not been lost.

On William's grave a turtle dove,  
 On Barbara's grave a sparrow,  
 The Turtle Dove is a sign of love,  
 The sparrow was for sorrow.

This comparison of Barbara Allan with the old versions will serve as an illustration of the others. There is often change of name, shifting of verses; but in nearly every case the story is essentially the same. This has held true through the shifting changes of hundreds of years.

A few of the old ballads found in the mountains of Kentucky, which trace their origin to England and Scotland, are: Barbara Allan, Fair Margaret and Sweet William, Lord Thomas and Fair Ellinor, Little Musgrave and Lady Barnard, Young Beichan, Lady Isabel and the Elf Knight, the Daemon Lover, the Wife Wrapt in Wether's Skin, the Cruel Ship's Carpenter, and Jack Went A Sailing.

Because of their association with wide forest areas, and living at a distance from one another, together with the hard struggle that they have made with the soil for a living, they have developed a kind of saddened religious life, which finds its accompaniment in the monotonous sad tunes of their religious services. Some of the more popular songs, in the back country districts, are of this type. The three following are fair samples:

#### THE SHIP OF ZION

Hit's the old Ship of Zion, as she comes,  
 Hit's the old Ship of Zion, as she comes,  
 Hit's the old Ship of Zion, the old Ship of Zion,  
 Hit's the old Ship of Zion, as she comes.

#### UP IN GLORY

Some have fathers up in glory,  
 Some have fathers up in glory,  
 Some have fathers up in glory,  
 On the other shore.

#### RAIN POWER DOWN

Rain, O rain, mighty Savior,  
 Rain converting power down,  
 Rain, mighty Lord.  
 The way the holy prophets went,  
 Rain, mighty Savior.  
 The road that leads from banishment,  
 Rain, mighty Lord.

These songs, as the very language will show, are accompanied with tunes that rouse the audience to a great pitch of religious emotion. Their religion is of the emotional type, but the reader, or observer, must not conclude from this that these people are moved entirely by cheap emotions. They are thoughtful people, wise and intelligent, and are good judges of the character of other people. But in their religion they give way to a high-type emotionalism.



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### MANUSCRIPT COLLECTIONS

- Breckinridge Papers*. In Manuscript Division, Library of Congress. Consists for the most part of letters written to the various members of the Breckinridge Family. There are about thirty thousand papers in this collection.
- Clay Mss.* This collection is in the possession of Miss Lucretia Hart Clay of Lexington, Kentucky. It is composed largely of letters to Henry Clay, many of which have never been published.
- John Jordon Crittenden Papers*. In Manuscript Division, Library of Congress. They consist of letters to Crittenden, law papers principally relating to land title suits, and a few copies of his own letters and speeches. A calendar of these papers has been published.
- Lyman C. Draper Collection*. In Wisconsin Historical Library, Madison.
- Durrett Collection*. In the University of Chicago Library, Chicago.
- J. O. Harrison Collection*. A scrapbook collection of letters and newspaper clippings, in the possession of Harrison Simrall of Lexington, Kentucky.
- Harry Innes Papers*. In Manuscript Division, Library of Congress. Contains about three thousand manuscripts.
- Wilson Cary Nicholas Letters*. In Manuscript Division, Library of Congress. About one hundred letters addressed to Nicholas.
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